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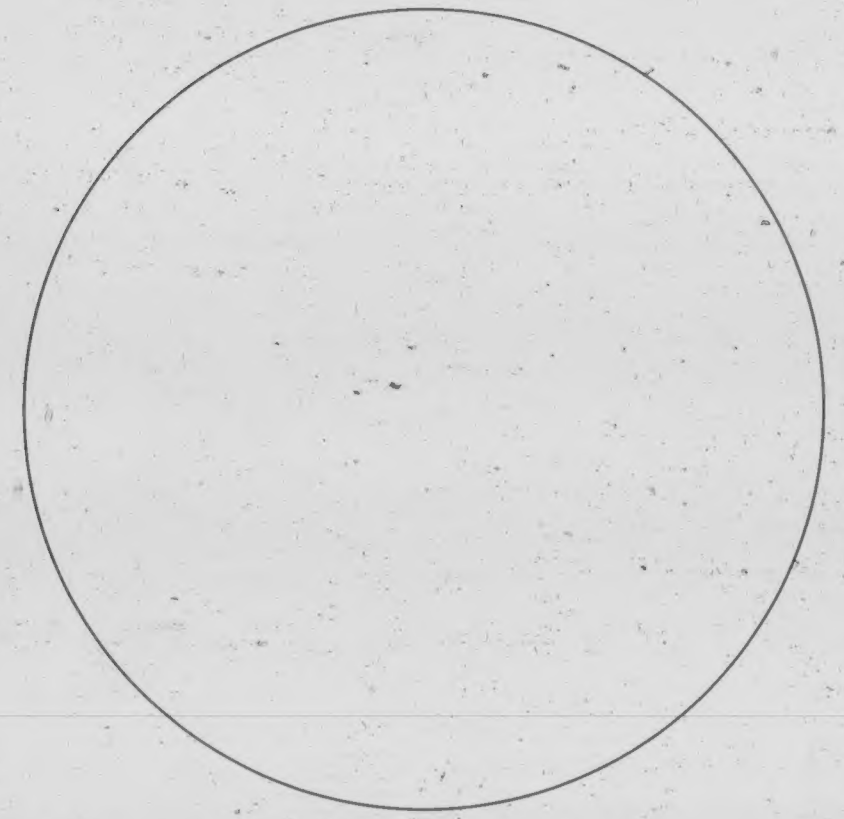

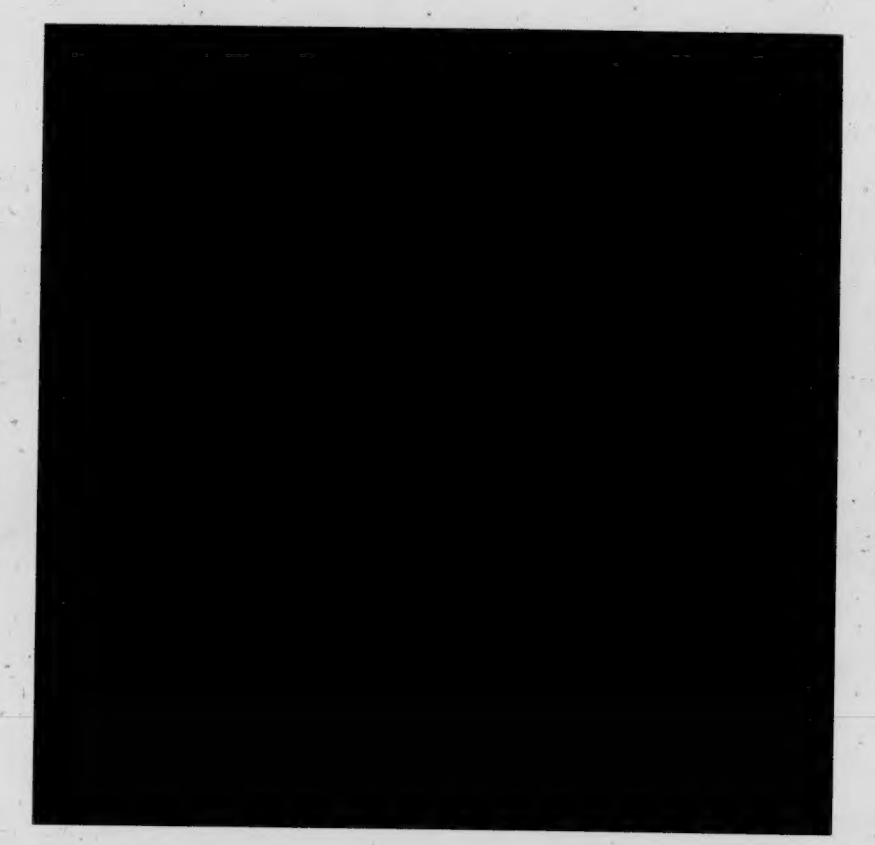

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 306

CHEROKEE INTERMARRIED WHITE 161 - 257

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

GEORGE B. KEELER

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 4271.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Bartlesville, I.T. October 9th, 1900.

IN THE MATTER OF THE APPLICATION OF JOSEPH CATHERINE KEELER FOR THE ENROLLMENT OF HERSELF AND HER HUSBAND, AND ALSO FOR THE ENROLLMENT OF THE CHILD OF HER OWN BY A FORMER HUSBAND, AND FIVE CHILDREN OF HER HUSBAND'S BY A FORMER WIFE, AS CHEROKEE CITIZENS.

The said Joseph Catherine Keeler, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name, please? A Joseph Catherine Keeler.

Q How old are you? A I am forty-two.

Q What is your post office? A Bartlesville.

Q In what district do you live? A Ceoweescoowee.

Q Who is it now, madam, you want to have put on the roll? A Myself and husband and one child of my own and five of Mr. Keeler's.

Q Five step children? A Yes, sir. This child of mine is named Cass; it was by a former marriage. Cass was my name on the roll. It is Keeler now.

Q So this child is a child of a former marriage of yours? A Yes, sir.

Q There are no children of your present marriage? A No, sir.

Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.

Q Is your husband a Cherokee by blood or intermarriage? A A An adopted citizen, intermarried.

Q How long have you lived in the Cherokee Nation? A All my life, almost.

Q You were born here were you? A I was born in Missouri, but I came here when after.

Q You came here when an infant? A Yes, sir; I was quite small.

Q And you have lived here ever since you came in your childhood? A Yes, sir. This has been my homes since then. I have not been away.

Q You have not been away permanently? A No, sir; this has always been my home.

Q Give me the name, please, of your father. A James C. Blythe.

Q Cherokee or white man? A Cherokee.

Q Is he dead or alive? A He is living.

Q Your mother's name, please. A Jemima S. Blythe.

Q Is she dead or alive? A She is living.

Q Is she a Cherokee or a white woman? A She is a Cherokee by blood.

Q What was your name when you married Mr. Keeler? A Cass.

Q Have you been married more than twice? A I have been married three times.

Q What was your name when you married Mr. Cass? A Arnold.

Q And then your maiden name was Blythe? A Yes, sir.

Q What was your name in 1894? A Arnold.

Q When did you marry Mr. Keeler? A In 1895, I think--five years ago.

Q Have you a certificate of your marriage? Has marriage application been made for your marriage with him? A Yes, sir.

Q Let's see it please.
A I haven't got it with me. I didn't know I would need it.
Q Now, what is his full name? A George B. Keeler.
Q How old is your husband? A He was born in 1850. He is fifty years old.
Q What time in 1885 were you married? A In February.
Q He procured a Cherokee license, did he? A He was already a citizen. He was on the 1880 roll. He was an adopted citizen at that time.
Q Now, your husband was on the 1880 roll. What was the name of his wife at that time? A Why, her name was Josie, too, I think.
Q Now, when did she die? A I don't know that. I think she died two years beofre; that would be about 1893.
Q Two years before you married him? A Yes, sir; about that time.
Q Q So his only marrital relations are those he had in 1880 and those he has had with you? A Yes, sir.
Q Give me the name of your child, please. A Bruce A. Cass.
Q How old is that child? A Seventeen.
Q Is he on the roll of 1896? A Yes, sir.
Q Now, of Mr. Keeler's children, please. A Albert Keeler, he was born in 1880, in January.
Q Twenty years old then? A Yes, sir.
Q The next child? A Fred Keeler, born July 1882.
Q He is eighteen? A Yes, sir.
Q The next child? A Maud, born in March, 1885.
Q She is fifteen? A Yes, sir.
Q The next child? A Lillie, born in June 1887.
Q The next child? A Pearl. Born October 1889.
Q These children are all living now are they? A Yes, sir.

1880 Roll, page 59, No. 37, Josie O. Arnold, Cooweescoowee District.
Q Was Mr. Arnold living in 1880? A Yes, sir; but I think he was out of the Territory at that time.

1880 Roll, page 126, No. 1616, G. V. Keeler, Cooweescoowee District. Adopted White.
1880 Roll, page 126, No. 1621, Alvin Keeler, Cooweescoowee District.
1896 Roll, page 194, No. 2696, Joe C. Keeler, Cooweescoowee District.
1896 Roll, page 312, No. 570, George B. Keeler, Cooweescoowee District.
1896 Roll, page 140, No. 1244, Bruce Cass, Cooweescoowee District.
1896 Roll, page 194, No. 2700, Albert Keeler, Cooweescoowee District.
1896 Roll, page 194, No. 2701, Fred Keeler, Cooweescoowee District.
1896 Roll, page 194, No. 2702, Maud Keeler, Cooweescoowee District.
1896 Roll, page 194, No. 2703, Lella Keeler, Cooweescoowee District.
1896 Roll, page 194, No. 2705, Pearl Keeler, Cooweescoowee District.

THE COMMISSIONER: The applicant applies for the enrollment of herself, her husband and for one child of her own by a former husband and five children of her husband's by a former wife.
She is identified on the rolls of 1880 and 1896 as a native

Cherokee; she has lived in the Cherokee Nation ever since her enrollment in 1880, and since her early childhood, and she will be listed now for enrollment as a Cherokee by blood.

Her husband is identified on the roll of 1880 as an adopted white. His wife then living is dead, but his present and succeeding wife being a Cherokee he has not forfeited the rights he possessed under his 1880 enrollment; he has made his home in the Cherokee Nation ever since his first enrollment, and he will be listed now for enrollment as a Cherokee by intermarriage.

The applicant's child, Bruce A. Cass, a child by a former husband, is identified on the roll of 1896; he is a minor, is living now, and will be listed for enrollment as a Cherokee by blood.

The remaining children, Albert, Fred, Maud, Lillie A. and Pearl Keeler, are identified on the roll of 1896, the elder child being identified also upon the roll of 1880; their deceased mother is identified on the roll of 1880; these children are all living at this time, and they will now be listed for enrollment as Cherokees by blood.

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The undersigned, being sworn, states thatas stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment and that the foregoing is a correct and complete transcript of his s tenographic notes thereof.

Wm S Mellen

Subscribed and sworn to before me this 9th day of October A. D. 1900.

C A Shearer

Commissioner.

Cherokee 4271

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., SEPT. 26, 1906.

In the matter of the application for the enrollment of George D. Keeler et al, as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the 1880 authenticated Cherokee Roll shows that the mother of the applicants, Albert, Fred, Maud, Lillie A. and Pearl Keeler, is identified on said roll as a native Cherokee, at page 126, Cooweescoowee District, #1617, Susie Keeler.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

Commissioner.

Cherokee 4271.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 13, 1902.

In the matter of the application of George B. Keeler, for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife Joseph C., children, Albert, Fred, Maud, Lillie A., ~~Rexxx~~ and Pearl Keeler, and his step-child, Bruce A. Cass, as citizens by blood of the Cherokee Nation.

George B. Keeler, being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A George B. Keeler.
Q How old are you? A 52.
Q What is your postoffice? A Bartlesville.
Q Are you a white man? A Yes sir.
Q Are you on the 1880 roll as an intermarried white? A Yes sir.
Q What is your wife's name? A Joseph C. Keeler.
Q Was she your wife in 1880? A No sir.
Q She was not? A No sir.
Q What was the name of your wife in 1880? A Josephine.
Q Josephine is the wife through whom you are claiming then?
A Joseph C. Keeler is my present wife; my first wife was Josephine.
Q You married your first wife under a Cherokee marriage license?
A Yes sir.
Q Prior to 1880? A Yes sir.
Q When did your wife Josephine die? A She died in 1894.
Q Did you live with her from 1880 up to 1894? A Yes sir.
Q Never were separated? A No sir.
Q Lived in the Cherokee Nation? A Yes sir.
Q When did you marry your present wife? A February, '95.
Q She is a Cherokee also? A Yes sir.
Q You are living with her now? A Yes sir.
Q How many children have you? A Minor children?
Q Yes, minor children? A I don't just remember the age of my boys, I have three girls.
Q Fred is living at home with you? A Yes sir, my girls also.
Q You have a step-son by the name of Bruce A. Cass? A Yes sir.
Q Is he living at home with you? A No sir, he is in California at present.
Q When did he go? A About two weeks.
Q He lived in the Cherokee Nation all his life up until that time?
A Yes sir.
Q You have made your home in the Cherokee Nation, ever since 1880?
A Yes sir.
Q How long has your present wife lived in the Cherokee Nation.
A She was living here.
Q Lived here all her life? A Yes sir.

R. palmer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case and the foregoing is a true and correct transcript os his stenographic notes thereof.

R. Palmer

Subscribed and sworn to before me this 22nd day of December, 1902.

B O Jones
Notary Public.

Cherokee 4271.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 4, 1907.

In the matter of the application for the enrollment of GEORGE B. KEELER as a citizen by intermarriage of the Cherokee Nation.

George B. Keeler, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A George B. Keeler?
Q Your age? A Fifty-six.
Q Your postoffice address? A Bartlesville, I. T.
Q Are you an applicant for enrollent as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q You have no Cherokee blood? A No sir.
Q The only claim you to have to be enrolled as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of the citizen through whom you claim?
A Josiphine Keeler, nee Gilstrap..
Q Is she living or dead? A Dead
Q When did she die? A In 1884.
Q When did you marry her? A I was married to her in 1872 in August.
Q Was your wife Josiphine Keeler, nee Gilstrap, a recognized citizen of the Cherokee Nation at the time you married her?
A She was.
Q You were married in the Cherokee Nation in accordance with the Cherokee laws? A Yes sir.

Applicant presents a certified copy of marriage license showing that on August 8, 1872, license was issued by John Myers, District Clerk of Cooweescoowee District, authorizing the marriage of George Keeler a citizen of the United States, to Miss Josiphine Gilstrap, a citizen of the Cherokee Nation, and that said parties were married August 9, 1872 by Judge Charles Rogers. This will be filed with and made a part of the records in this case.

Q Are you the identical person mentioned in this marriage license as George Keeler? A I am.
Q Did you and your wife Josiphine Keeler continuously reside together as husband and wife from the time of your marriage in 1872 until the time of her death? A We did.
Q And lived in the Cherokee Nation, did you? A Yes sir.
Q Have you married since she died? A Yes sir.
Q What is the name of your present wife? A Joseph C. Keeler.
Q Is she living at this time? A Yes sir.
Q She is a citizen by blood of the Cherokee nation? A Yes.

Q Your residence has been continuously in the Cherokee nation since 1872, has it? A I have never been out of the country . Always lived here.
Q Were you ever married prior to your marriage in 1872 to Josephine Gilstrap? A No sir.
Q Was she ever married prior to hr marriage to you? A No sir.

The applicant, George B. Keeler, is identified on the Cherokee authenticated tribal roll of 1880? Cooweescoowee District, opposite No. 1616.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances Lane

Subscribed and sworn to before me this January 5, 1907.

Edward Merrick
Notary Public.

1872 Aug. 8.

Issued License of Marriage to George Keeler Citizen of the U. S. to marry Miss Josiphine Gilstrap citizen of C.N.

Issued by John Myer, Dist Clerk.

Married by Judge Chas Rogers, Aur 9" 1872.

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Cherokee Nation, I.T.

Coo-wee-scoo-wee District,

This is to certify that the above is a true copy of a record found on page 10 in Book "A" Records of Marriages in and for the District of Coo-wee-scoo-wee.

In witness whereof I hereunto set my hand and seal of office on this the 9th day of August A.D. 1897.

Joe M. Lahay Clerk.

Coo-wee-scoo-wee District, C.N.

I, Cora E. Glendenning, a stenographer to the Commissioner to the Five Civilized Tribes on oath state that the above and foregoing is a true and correct copy of the original certified copy of a marriage license and certificate in the matter of the application of George B. Keeler for enrollment as a citizen by intermarriage of the Cherokee Nation, now on file in this office.

Cora E. Glendenning

Subscribed and sworn to before me this 25 day of January, 1907.

Chas E. Webster

Notary Public.

C E W

Cherokee 4171.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE B. KEELER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Bartlesville, Indian Territory, Octo er 9th, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of George B. Keeler as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 26th, 1902, October 13th, 1902 and January 4th, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George B. Keeler, a white man, was married in accordance with Cherokee law August 9th, 1872 to one Josie Keeler, nee Gilstrap, since deceased who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and whose name appears upon the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, Page 126, No.1617, as a native Cherokee; that the said George B. Keeler and Josie Keeler resided together as husband and wife and continuously lived in the Cherokee Nation until the time of her death, which occurred about the year 1894; that subsequent to the death of said Josie Keeler, the said George B. Keeler, in February, 1895, was married to one Joseph C. Keeler, formerly Cass, who was a recognized citizen by blood of the Cherokee Nation, and whose name appears upon the Cherokee authenticated tribal roll of 1880, Cooweescoowee District Page 59, No.37, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No.26590, and the said George B. Keeler and Joseph C. Keeler have resided together as husband and wife and continuously lived in the Cherokee Nation since said marriage. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos., 125, 126, 127 and 128, the said applicant, George B. Keeler, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 4 1907.

Cherokee 4271

Muskogee, Indian Territory. February 4, 1907

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4, 1907, granting the application for the enrollment of George B. Keeler, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

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Cherokee 4271

Muskogee, Indian Territory. February 4,1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Cherokee Nation does not desire to protest against the enrollment of George B. Keeler, as a citizen by intermarriage of the Cherokee Nation, and waives the time for protest against the enrollment of said applicant.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 4271

Muskogee, Indian Territory. February 4,1907.

George B. Keeler,

Bartlesville, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

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E.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

CHARLES H. FRANKS

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.5052.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Claremore, I.T. October 29th, 1900.

IN THE MATTER OF THE APPLICATION OF CHARLES H. FRANKS FOR THE ENROLLMENT OF HIMSELF, HIS WIFE AND CHILDREN AS CHEROKEE CITIZENS.

The said Charles H. Franks, being sworn and examined by Commissioner J. R. Kreamer, testified as follows:

Q Give me your full name. A Charles H. Franks.
Q How old are you? A Fifty-two.
Q What is your post office? A Gunsaw.
Q Do you live in Ceweesceewee District? A Yes, sir.
Q Do you apply for the enrollment of yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A I have got ten living children, but there is part of them married off.
Q I want only those unmarried and under twenty-one. How many have you got of that kind? A I have got five.
Q Are you a Cherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q When were you married to your wife? A I was married in 1872.
Q Have you lived with her ever since? A Yes, sir.
Q All the time in the Cherokee Nation? A Yes, sir.
Q Give me the name of your wife. A Josephine.
Q How old is she? A She is about forty-two.
Q Give me the name of her father. A Rose H. Ward.
Q Is he dead? A No, sir.
Q Give me the name of her mother. A Elizabeth. A
Q Is she dead? A Yes, sir.
Q Give me the names of these children please, the five that you apply for. A Lula Florence.
Q How old is she? A Fifteen.
Q The next child. A Charles Edgar.
Q How old is that child? A Twelve years old.
Q The next child? A Joel Roderick.
Q How old is that child? A He is ten years old.
Q The next child? A Myrtle.
Q How old is Myrtle? A She is six years old.
Q The next child? A The next child is named Rosa Ward Franks.
Q How old is that child? A He is ten month old.
Q These children are all living now are they? A Yes, sir.

1896 Roll, page 757, No. 676, C. H. Franks, Tahlequah District.
1896 Roll, page 757, No. 677, Josephine Franks, Tahlequah District.
1896 Roll, page 324, No. 352, Charles H Franks, Ceweesceewee District.
1896 Roll, page 158, No. 1693, Josephine Franks, Ceweesceewee District.
1896 Roll, page 158, No. 1696, Lula Franks, Ceweesceewee District.
1896 Roll, page 158, No. 1697, Charles H. Franks, Ceweesceewee District.
1896 Roll, page 158, No. 1698, Joel H. Franks, Ceweesceewee District.
1896 Roll, page 158, No. 1699, Myrtle Franks, Ceweesceewee District.

Q. Your wife identified here all her life, has she? A. Yes, sir; she was born and raised here.

Q. Did your wife's father die since 1896 or before? A. Before.

By the Commissioner: The applicant applies for the enrollment of himself, his wife and children. He is identified on the rolls of 1896 and 1898 as an adopted white. He has continued to live with his Cherokee wife ever since his enrollment in 1896 and he will be listed now for enrollment as a Cherokee by intermarriage.

His wife is identified on the rolls of 1896 and 1898 as a native Cherokee. She has lived in the Cherokee all her life and she will be listed now for enrollment as a Cherokee by blood.

Of the five children applied for, the first four are identified on the roll of 1896; they are all minors, are living now and will be listed for enrollment as Cherokees by blood. Then the applicant files a certificate of the birth of the youngest child, Bessie M. Franks, this child also will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, state that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in this application for enrollment, and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

M. J. Meehan

Subscribed and sworn to before me this 29th day of October A. D. 1900.

Commissioner.

Cherokee 5053.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 13, 1902.

In the matter of the application of Charles H. Franks for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Josephine, and his minor children, Lula F., Charles E., Joel R., Myrtle, Moses W. and Virgil F. Franks, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

CHARLES H. FRANKS, being sworn, testified as follows:

By the Commission,

Q What's your name? A Charles H. Franks.
Q What's your postoffice? A Collinsville, I. T., Owassa has been.
Q What's your age at this time, Mr. Franks? A Fifty-four.
Q What's your wife's name? A Josephine.
Q Are you the same Charles H. Franks that made application to the Commission for enrollment as an intermarried citizen in October, 1900? A Yes, sir.
Q When were you and your wife, Josephine, married? A In '72.
Q '72? A Yes, sir.
Q Is she on the '80 roll with you? A Yes, sir.
Q Have you and your wife, Josephine, lived together all the time since '80 up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Never been married to any other woman since '80, have you? A No, sir.
Q Were you and your wife, Josephine, living together on the first day of September, 1902? A Yes, sir.
Q Have you and your wife lived in the Cherokee Nation all the time since 1880 up to the present time? A Yes, sir.
Q Are these children, Lula F., Charles E., Joel R., Myrtle, Moses W. and Virgil F., your children by your wife, Josephine? A Yes, sir.
Q Are these children all living at this time? A All but Virgil F.
Q When did Virgil die? A The 12th day of September, 1902.
Q Are all the other children I have named living? A Yes, sir.
Q Have they lived in the Cherokee Nation all their lives? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 26th day of ~~Sept~~ Oct., 1902.

B O Jones
Notary Public.

F. R.

Cherokee 5052.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 22, 1907.

In the matter of the application of Charles H. Franks for enrollment as a citizen by intermarriage of the Cherokee Nation.

Charles H. Franks being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

Q What is your name? A Charles Henson Franks.
Q What is your age? A 58.
Q What is your post office address?
A Owasso, Indian Territory.
Q You are a white man, not possessed of any Indian blood?
A No Indian blood at all.
Q You claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Your claim to such right is by virtue of your marriage to a citizen of that Nation?
A Yes sir/
Q What is the name of the citizen through whom you claim that right?
A Josephine Ward.
Q When were you married to Josephine Ward?
A 72; March.
Q Where were you married to her?
A Delaware District.
Q By whom were you married?
A He was a white man - preacher - Nealy was his name.
Q Was that marriage under a license of the Cherokee Nation?
A Yes sir.
Q Have you any documentary evidence of that?
A Yes sir.

Applicant presents certified copy of marriage license issued February 13, 1872, authorizing the marriage of C. H. Franks to Josephine Ward. The certificate attached to said certified copy is signed by J. T. Cunningham, Clerk of Delaware District and bears the seal of Delaware District but is not dated.

Q When did you get this certified copy of the marriage license?
A About a year, I believe, afterwards; they didn't send it to me and I wrote for it.
Q Was Josephine Ward at the time you married her a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Had Josephine Ward been married previous to her marriage to you?
A No sir.
Q Had you been married before you married her?
A No sir.

F. R. Cherokee 5052.

Q Is she living at this time? A Yes sir.
Q Since your marriage to Josephine Ward in 1872, have you resided together as husband and wife and lived continuously in the Cherokee nation?
A Yes sir.

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District, No. 676, and also on the Cherokee census roll of 1896, page 304, No. 352, Cooweescoowee District.

The name of the applicant's wife, Josephine Franks, appears upon the Cherokee authenticated tribal roll of 1880, Tahlequah District, No. 677 and on the Cherokee census roll of 1896, page 158, No. 1693, Cooweescoowee District. Her name is also included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 12087.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 26th day of January, 1907.

John E. Tidwell
Notary Public.

C.F.B. Cherokee 5062

COPY.

Cherokee Nation }
Delaware District }

This is to certify that C.H.Franks a [illegible] was licensed to wed Josephine Ward a Native Cherokee on the 13th February 1872. and the license returned with the proper certificate attached March 2nd A.D.1872. Being in accordance with an act of the national council bearing date Oct 18th 1855. regulating intermarriage of citizens of the United States with citizens of this nation.

S.N.Melton. Clerk Dist court
Del Dist C.N.

I hereby certify the above is a true copy of the original record.

J.T.Cunningham Clerk Delaware Dist
Cher Nation

The undersigned being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy, and that the same is a true and correct copy of the instrument now on file in this office.

Mary Labor Mallory

Subscribed and sworn to before me the 23rd. day of January 1907.

Chas E Webster
Notary Public

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., January 25, 1907.

.....

In the matter of the application for the enrollment of Charles H. Franks as a citizen by intermarriage of the Cherokee Nation.

.....

W. W. Hastings being first duly sworn by Chas. E. Webster, a Notary Public, makes the following statement.

By Mr. Hastings:

My name is W.W. Hastings. I live at Tahlequah, Indian Territory. My age is forty years. I have known the applicant, Mr. Franks ever since I could first remember, and I was born the last day of '66. I knew his wifeperhaps before he married her but I have no distinct recollection of that. I live within two and a half or three miles of them; his wife is a distant relation of mine and I know positively that they were married prior to November 1, 1875, but I have no distinct recollection of any particular date, I do not remember whether I was at the wedding or not, but I know that they lived there in the countryas husband and wife and were generally reputed to be such before 1875.

Witness Dismissed.

Charles H. Franks being first duly sworn by Chas. E. Webster, a Notary Public, testifies as follows:

By the Commissioner:

Q What is your name? A Charles H. Franks.
Q How old are you? A 58 years old.
Q What is your Post Office address? A Owassa.
Q Mr. Franks you are the same man who testified here the other day and at that time did you say what the date of your marriage was? A No, I stated that it was in '72.
Q Do you know the date of your marriage? A The 29th day of March, 172.
Q You have continuously resided in the Cherokee Nation since the date of your marriage? Never lived any where else.

Witness excused.

I, Cora E. Glendenning being duly sworn, state on oath that as a stenographer to the Commissioner to the Five Civilized Tribes I reported the proceedings had in the above entitled case on this 25th day of January, 1907, and that the foregoing is a true and correct transcript of my stenographic notes therein.

Cora E. Glendenning

Subscribed and sworn to before me this 26th day of January, 1907.

Chas E Webster
Notary Public.

E C M

Cherokee 5052.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of CHARLES H. FRANKS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 29, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Charles H. Franks as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 13, 1902, January 22, 1907 and January 25, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Charles H. Franks, a white man, was married in accordance with Cherokee law March 2, 1872 to his wife, Josephine Franks, nee Ward, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District No.677, as a native Cherokee and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.12087. It is further shown that from the time of said marriage the said Charles H. Franks and Josephine Franks resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Charles H. Franks is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 6 1907.

Cherokee
Roll.

Muskogee, Indian Territory, February 6, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, granting the application for the enrollment of Charles H. Franks as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl. HJ-9.
HJC

Commissioner.

Cherokee 5052

Muskogee, Indian Territory, February 6, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Charles H. Franks as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation

Cherokee
5052.

Muskogee, Indian Territory, February 6, 1907.

Charles H. Franks,

Owasso, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.HJ-10.
HJC

Commissioner.

Cher IW 163

Cher IW 163

684.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

JAMES R. GARRETT

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 5721.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T. Nove ber 27, 1900.

In the matter of the application of James R. Garrett for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A James R. Garrett.
Q How old are you? A 52 years old.
Q What district do you live? A Tahlequah; I live in Tahlequah now.
Q What is your postoffice address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A Myself, wife and children.
Q Have certificate of marriage? A Yes sir, have it at home.
Q What is the name of your wife? A Lizzie A.
Q When did you marry her? A '75.
Q What is her age? A 44.
Q Is a Cherkee citizen by blood? A Yes sir.
Q What are the names of your children under 21 and at home? A Mary.
Q How old is she? A 19.
Q Next child? A Allie.
Q How old is she? A 15.
Q Next child? A Lola.
Q How old is she? A 13.
Q Next child? A Willie.
Q How old is that child? A 10.
Q Next one? A Thomas H. 8.
1880 roll; page 455, #752, Robert Garrett, Goingsnake dist.
455, #753, Lizzie Garrett, "
1896 roll; page 822, #83, James R. Garrett, "
752, #939, Lizzie A. Garett, "
752, #942, Mary Garett,
752, #943, Allie Garett,
752, #944, Lola Garett,
752, #945, William Garett,
752, #946, Thomas Garett,
Q These children are all living with you, are they? A Yes sir.
Q You always lived in the Cherokee Nation since your marriage? A Yes sir.
Q Living with Lizzie? A Yes sir.

Commissioner Needles-
The name of James R. Garrett is found upon the authenticated roll of 1880 as Robert Garrett, an intermarried white, and is also found upon the Census roll of 1896 as James R. Garrett. The name of his wife, Lizzie A., is found upon the authenticated roll of 1880 as a Cherokee citizen by blood; also upon the Census roll of 1896. The names of his children, Mary, Allie, Lola, Willie and Thomas are found upon the Census roll of 1896. All being duly identified according to page and number of the roll as indicated in the testimony, and having made satisfactory proof as to their residence; consequently, the said James R. Garrett will be duly listed for enrollment as a Cherokee citizen by intermarriage; his wife, Lizzie A., and children as enumerated herein, will be duly listed for enrollment as Cherokee citizens by blood.

E. L. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported correctly the testimony and proceedings in the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes in said case.

E. L. Rothenberger

Subscribed and sworn to before me this [illegible] day of [illegible]

5721 a

FILED
NOV 27 [illegible]

ACTING CHAIRMAN

R.
Cher. 5721.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JAMES R. GARRETT made citizen by intermarriage of the Cherokee Nation.

JAMES R. GARRETT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A James R. Garrett.
Q How old are you? A Fifty-two.
Q What is your post office address? A Tahlequah.
Q You are a white man, are you? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A I have.
Q What is the name of your wife? A Her name is Lizzie Garrett.
Q Is she living? A She is dead.
Q She was a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to her? A I do.
Q When were you and she married? A We were married first--in 1874.
Q Under what law were you married? A Married first under the Arkansas law, then, I could not tell you exactly the date, in 1877 or 1878, we were married according to Cherokee law.
Q How long has your wife been dead? A Died the 25th of last May.
Q Did you and she live together continuously until the time of her death? A Always did, yessir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A Never.
Q Have you married since the date of her death? A No sir.
Q Have you resided in the Cherokee Nation continuously since you and she were married? A Ever since we were married, never lived outside of the Cherokee Nation.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of James R. Garrett as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 5721.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of October, 1902.

Chas. Moore
Notary Public.

Cherokee 5721

McG.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIBILIZED TRIBES.
Muskogee, I. T. January 5, 1907.

In the matter of the application for the enrollment of JAMES R. GARRETT as a citizen by intermarriage of the Cherokee Nation.

James R. Garrett being first duly sworn by John M. Tidwell, a Notary Public for the Western District, Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A James R. Garrett.
Q What is your age? A Fifty-six.
Q What is your postoffice address? A Tahlequah, I. T., now.
Q You claim to be a citizen by intermarriage of the Cherokee Nation A Yes sir.
Q Through whom do you claim that right? A My wife was named Lizzie Greer.
Q What is your wife's citizenship? A She was a Cherokee; 1/16--Cherokee by blood.
Q Is she living? A No sir.
Q When did she die? A In 1902.
Q Do you remember the date? A 25th of May I think.
Q Have you married again since her death? A Yes, I was married the last day of November, 1903.
Q When were you and Lizzie Greer married? A Married March, 1874.
Q Where were you married? A Married in the Cherokee Nation near Maysville, Going Snake District.
Q Under Cherokee license? A Yes sir.
Q Where did you procure the license? A I think from the District Clerk of Going Snake District.
Q Have you a copy of that license? A No, I have not; its gone and I can't find it nowhere. Until my wife died we always had it.
Q Were either you or your wife Lizzie Greer ever married prior to your marriage in 1874? A No sir.
Q Was she a citizen of the Cherokee Nation at the time you married her? A She was.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Have you and she lived continuously together in the Cherokee Nation as husband and wife since your marriage until the date of her death in 1902? A Yes sir.
Q Where did you reside during that time? A Going Snake District until December, 1894. Then we went to Cooweescoowee District and I have lived in Tahlequah ever since.
Q What is the citizenship of your present wife? A She is dead
Q What was her citizenship? A She was American--I don't know; she was raised there in the Cherokee nation, but I don't think she had any Cherokee blood.
Q Do you know where the license under which you were married is recorded? A It was recorded in the clerk's office--I have seen the record of it, in Starr's office.

Q What district? A Going Snake District. It should have been in Going Snake.
Q Did you have any children by your first wife? A Yes, we had eight.
Q How many are living at the present time? A Six.
Q What are the names of those now living? A Bruce, Mary, Allie, Lola, William and Thomas B.

The marriage record for Going Snake District furnished this office by the Cherokee authorities, covers no date prior to 1880; hence no record of the license alleged to have been issued by the clerk of Going Snake District in 1874, authorizing the marriage of the applicant, James R. Garrett to Lizzie Greer can be found.

Q You and your wife lived together continuously from the time of your marriage up until the time of her death in 1892? A We did.

Applicant is identified in the authenticated Cherokee tribal roll, 1890, Going Snake District, and on the Cherokee Census roll of 1896, Tahlequah District, opposite 752 and 822 respectively, as an intermarried white.

His former wife, the said Lizzie A. Greer, is identified of the authenticated Cherokee tribal roll 1880, Going Snake District, and Cherokee Census roll 1896, Tahlequah District, opposite No. 752 and 939 respectively as a Cherokee by blood. She was also listed for enrollment as a Cherokee by blood on November 27, 1900 on Cherokee straight card No. 5721, but on proof being submitted showing her death prior to September 1, 1902 her name was stricken from said card.

The said Mary, Allie, Lola, Willie and Thomas B. Garrett, children of the applicant and his deceased wife, Lizzie A. Greer, are included in an approved partial roll of Cherokees by blood opposite Nos. 13733 to 13737 inclusive.

Q Have you any witnesses who knew of your marriage to your first wife, Lizzie Greer, in 1874? A Yes, I have one witness, Still. He was one of my signers.

Witness excused.

Edward Stille, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Edward Still.
Q What is your postoffice address? A Tahlequah, I. T.
Q How old are you? A Fifty-nine years old.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Raised in the Cherokee Nation.
Q Are you acquainted with the applicant in this case, James R. Garrett? A Yes sir.

Q How long have you known him? A I have known him 33 or 34 years-- little further back than that.
Q Were you acquainted with his firse wife, Lizzie A. Greer?
A Yes sir.
Q How long did you know her? A Ever sinch she was a sucking baby.
Q Do you know whether or not the applicant James R.. Garrett and Lizzie A. Greer were married? A I don't know whether they was married; I signed the petition. I heard they did get married. I wasn't at the wedding.
Q You signed his petition for the license to marry Lizzie Greer? A Yes sir.
Q Do you remember when you signed that ~~application?~~ petition
A Along in 1874.
Q How do you identify the date of having signed this petition?
A I used to be an outlaw. Me and Dick Proctor was outlaws fr murder, and after that the Government of the United States and me made peace. They made a treaty with us, and I had just got home from scouting in the brush. Me and Mr. Garrett was pretty good friends, and I had heard some say that they wouldn't sign nowwhite man's petition, and Buffington, he and me was good friends, and he said, didn't you live with Garrett, and I think that you ought to sign his petition and--
Q When did you get back from scouting? A 1872 I think it was.
Q How long were you scouting? A About three years I think it was.
Q What is the date you made peace with the United States?
A I think on the 12th of July.
Q What year? A 1873. I was way out west at that time, and I heard of it and come in. It was 1874 when I get here. Part of them had gone to the hearing, and I was so far out west that I didn't hear of it for awhile, and when I did I come in.
Q How long after you had quit scouting was it until you signed this petition of Mr. Garretts'?
A That was after I come in out of the brush. I got lost and they couldn't find me, but my name was on the treaty. I didn't think we would ever get clear and I was going to make my escape. In August after I signed his petition in 1874, on the first day of August, I married.
Q Do you remember when the bread payment was made in the Cherokee nation? A Yes sir.
Q With reference to this petition you signed for Mr . Garrett and the date of that bread payment being made, was that petition signed before or after? A I signed before that, and I was married just after that.
Q What was the date of that payment? A Must have been in 1873 or 1874, one. I don't recollect. In '74 I think it was.
Q And you were married prior to that payment, were you?

A I wasn't married when that payment come off. I didn't have any wife. I think I was married in August just after that payment.
Q You signed Mr. Garrett's petition prior to that payment?
A Yes sir.
Q Have you continued to know Mr. Garrett and his wife ever since? A I knew them both. I knew his wife when a baby and I knew Garrett too, directly after he moved to the Cherokee nation.
Q Did they begin living together after you signed this petition as husband and wife? A Yes, and lived together from the time I signed that until her death.
Q They were recognized as having been married under Cherokee laws were they, by the people living in the country where they resided? A They was. Mr. Garrett was recognized as a Cherokee citizen, and besides he had an office in the Cherokee Nation himself as clerk in the Cherokee Nation.
Q You have been enrolled by this office, have you? A Yes, been enrolled by the Dawes Commission.
Q Received your allotment? A Yes sir.
Q Have your deeds to it? A Yes sir.
Witness excused.

Thomas P. Wolfe being first duly sworn by John E. Tidwell, testified as follows:
Q What is your name? A Thomas P. Wolfe.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Tahlequah.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Native citizen? A Yes, citizen by blood.
Q Are you acquainted with the applicant, James R. Garrett?
A Yes sir.
Q How long have you known him? A Ever since 1873.
Q Were you acquainted with his deceased wife, Lizzie Greer
A Yes sir, we was children together. Raised up together you might say.
Q Do you know whether or not Lizzie Greer and James R. Garrett were ever married? A Yes, I wasn't at the wedding, but I know they was married in Going Snake District. I nevrr saw them married, but I know of their marrying.
Q You wasn't present at the wedding? A No, but I saw Garrett a short time after ther was married.
Q When was this you first saw Mr. Garrett after they were married? A It was about June, 1874 if I aint mistaken. He thought it was a little earlier; he thought it was May, but I know it was in june--some date in June. I had taken my brother's wife up to see her people in Arkansas, and that was when I saw Garrett.
Q How long has he been married at that time? A It has been a very short time. I don't know the date. I never asked anything in regard to the dates. I saw him there at Mrs. Buffingtons and they has pistol shooting at a target and playing croquet. That is when I fist saw him.
Q Did you see his wife that day? A No, not that day.
Q When did you first see her after it was reported that she and Garrett were married? A I couldn't say the date. I have seen her very often. I have staid at the house after they was married. I may have seen her then, but I don't remember seeing the whole family. I took dinner there that day.
Q How far have you lived from the applicant since they were

they were married? A About 24 or 25 miles from where Mr. Garrett lived at that time, from where I lived, and then he has lived in Tahlequah since that time and on his farm in Cooweescoowee District. But I seen him very often and know his family and was well acquainted with his wife and children.
Q It is pretty generally acknowledged that he was married under Cherokee laws to his first wife, Emma A. Greer? A Yes, I don't suppose there is any doubt about it. I have been in court when he was clerk of Goingsnake District at different times.

By Mr. Garrett::Let me ask you a question: Was you kin to my wife? A Yes sir.
That is how you know me so well?
A. That's it.
Q You know that they lived together continuously from the time they were reported to be married up to the time of her death in 1902? Q Yes sir.
Q And lived in the Cherokee Nation all that time? A Yes.

The applicant expects to introduce Thomas B. Buffingham in his behalf, and the case will be held open pending the introduction of this witness.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this January 7,1907

Edward Merrien
Notary Public

F.R.

Cherokee 5721.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., January 17, 1907.

In the matter of the application for the enrollment of James R. Garrett as a citizen by intermarriage of the Cherokee Nation.

Thomas W. Buffington, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Thomas W. Buffington.
Q How old are you? A Fifty-one.
Q Your postoffice address? A Vinita, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you acquainted with the applicant James R. Garrett?
A Yes sir.
Q How long have you known him? A We were boys together. I don't know just how long; along in the early 70's.; we went to school together.
Q Was you acquainted with his wife Lizzie A. Garrett, who was formerly Lizzie Greer? A Yes, she was my niece.
Q Do you know when James R. Garrett and Lizzie Greer were married? A I was present at their marriage. I don't know exactly the date; it was in March, 1874.
Q Where were they married? A They were married at my mother's farm in Going Snake District, Cherokee Nation.
Q That marriage was under a license of the Cherokee Nation, was it? A I am not able to say as to that at this time; I suppose so though.
Q It was generally understood was it, that it was in accordance with the laws of the nation they were lawfully married?
A Yes sir.
Q They resided together as husband and wife and held themselves out as such until her death? A Yes sir.
Q You have no reason for believing that it was not a lawful marriage? A Not in the least. I was quite a young man at t that time, and I came in out of the field with my working clothes on, and went right back after the ceremony.
Q Do you remember who performed the ceremony? A A preacher by the name of Francis. We called him "Red" or "Corduroy"; he always dressed in this red corduroy.
Q You don't remember hearing anything with reference to the license or as to the signers who signed the petition?
A No, I don't. What fixes this date, me and Bob went to Fort Smith the 10th day of May, 1874, and that was after his marriage.

Examination by Mr. Garrett:
Q You know that I have always voted and been recognized as a citizen of the Cherokee Nation? A I do.- and you run for office and got elected up there.

Witness excused.

Frances R. Lane, upon oath, states that as stenograph-

er to the Commissioner to the Five Civilized Tribes, she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Rose

Subscribed and sworn to before me this January 18, 1907.

Edward Merritt

Notary Public.

C.E.W. Cherokee 5721

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James R. Garrett as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, November 27, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of James R. Garrett, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 3, 1902, and at Muskogee, Indian Territory, January 5 and 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, James R. Garrett, a white man, was married in accordance with Cherokee law in March 1874, to one Lizzie A. Garrett, nee Greer, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District page 435, No. 753, as a native Cherokee; that said James R. Garrett and Lizzie A. Garrett resided together as husband and wife and continuously lived in the Cherokee Nation until her death which occurred May 25, 1902; that said James R. Garrett has not married since the death of said Lizzie A. Garrett and continuously lived in the Cherokee Nation up to and including September 1, 1902.

Said applicant is identified upon the Cherokee authenticated tribal roll of 1880 and the Cherokee Census Roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128 the said applicant, James R. Garrett, is entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898, to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 4 1907

Cherokee 5721

Muskogee, Indian Territory. February 4, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4, 1907, granting the application for the enrollment of James R. Garrett, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

36-3

Cherokee 5721

Muskogee, Indian Territory. February 4,1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Cherokee Nation does not desire to protest against the enrollment of James R. Garrett as a citizen by intermarriage of the Cherokee Nation, and waives the time for protest against the enrollment of said applicant.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 8721

Muskogee, Indian Territory. February 4,1907.

James H. Garrett,

Tahlequah, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4,1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

HA-3

Commissoner.

Cher IW 164

Cher IW 164

Department of the Interior.
Commission to the Five Civilized Tribes.
JOR. Tahlequah, I. T., October 21, 1902.
Cher. 6072.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of ALICE C. WASHBOURNE as a citizen by intermarriage of the Cherokee Nation.

ALICE C. WASHBOURNE, being first duly sworn, testified as follows

Q What is your name? A Cynthia Alice Washbourne.
Q What is the name of your husband? A Percy Holden Washbourne.
Q Did he make application for your enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir, I suppose he did, at Tahlequah.
Q At the time he made application he gave your name as Alice C. Washbourne. A He just made it wrong. The Cynthia comes before the Alice.
Q Your correct full name is Cynthia Alice Washbourne? A Yes sir.
Q How old are you? A Forty-nine.
Q What is your post office address? A Eucha, I. T.
Q What was your post office when application was made for your enrollment? A Southwest City, Missouri.
Q Your presentpost office, then, is Eucha? A Yes sir.
Q Whatis the name of your husband? A Percy Holden Washbourne.
Q Is he living? A I suppose he is. He is sitting yonder in that chair.
Q Is he a Cherokee by blood? S Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to him? A Yes sir.
Q When were you and he married? A 1872, the 17th day of January.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q Wereyou ever married before you married your present husband?
A No sir.
Q Was he ever married beforehe marriedyou? A No sir.
Q You are his first wife and he is your first husband? A Yes sir.
Q Have you and he lived together continuously since your marriage?
A Yes sir.
Q Were you living together on the 1st day of September, 1902?
A Yes sir.
Q You have never been separated at all? A No sir.
Q Howlong have you resided in the Cherokee Nation? A About thirty years, since 1872.
Q You have resided here continuously during that time? A Yes sir, I have never been out of the Nation any morethan just across the line and back.
Q How long has your husband resided in the Cherokee Nation?
A He was here when I came here, or a year or two after. We came from North Missouri
Q Has he resided here continuously during the time you have known him? A Yes sir.
Q You have how many children that application was made for?
A Eight.
Q Are all those children living at this time? A Yes sir.
Q Two of them were of age when application was made for your enrollment? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of AliceC. Washbourne as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 6072.

Case. 6072----2.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 10th day of November, 1902.

B C Jones
Notary Public.

Cherokee 6072

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 4, 1907.

In the matter of the application for the enrollment of CYNTHIA A. WASHBOURNE as a citizen by intermarriage of the Cherokee Nation.

Percy Washbourne being first duly sworn by B. P. Rasmus, a Notary Public for the Western District of Indian Territort, testified as follows:

By the Commissioner:
Q What is your name? A Percy Washbuurne.
Q What is your age? A Fifty-eight.
Q What is your postoffice address? A Eucha, I. T.
Q Are you a citizen by blood of the Cherokee nation?
A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Cynthia Alice.
Q She is an applicant for enrollment as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q She is not a Cherokee by blood? A No sir.
Q Her only claim to the right to enrollment as a citizenof the Cherokee nation is by virtue of her marriage to you?
A Yes sir.
Q When were you and she married? A The 17th day of January, 1872.
Q Was you a recognized citizen of the Cherokee nation at the time you married her? A Yes sir.
Q Living in the Cherokeee country were you? A Yes sir.
Q Was she your first wife? A Yes sir.
Q You her first husband? A Yes sir.
Q Since yohur marriage have you and she lived together continuously as husband and wife? A Yes sir.
Q And lived all the time in the Cherokee nation? A Yes sir.
Q Have you any certificate showing your marriage to her?
A No sir.
Q Were you married by a minister? A Yes sir.
Q What was your wife's name before you married her?
A Cynthia A. Blackburn.

The applicant, Cynthia A. Washbourne, is identified on the Cherokee authenticated tribal roll, 1880, Delaware District, opposite No. 3008.
The name of her husband, Percy H. Washbourne, is included in ~~xxxxxxxxxx~~ an approved partial roll of citizens by blood of the Cherokee nation, opposite No. 25168.

Frances R. Lane, upon oath, states that as stenographer

to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Rose

Subscribed and sworn to before me this January 5, 1907.

Edward Merrick
Notary Public.

E.C.M.

Cherokee 6072

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia A. Washbourne as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on December 4, 1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of Cynthia A. Washbourne, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 21, 1902, and January 4, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Cynthia A. Washbourne, a white woman, was married January 17, 1872, to one Percy H. Washbourne, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 3007, as a native Cherokee. It is further shown that from the time of said marriage the said Percy H. Washbourne and Cynthia A. Washbourne resided together as husband and wife, and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said Cynthia A. Washbourne is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Cynthia A. Washbourne, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 4 1907

Cherokee 6072

Muskogee, Indian Territory. February 4, 1907

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4,1907, granting the application for the enrollment of Cynthia A. Washbourne as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

7-9

Cherokee 6072

Muskogee, Indian Territory, February 4, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Cynthia A. Washbourne, as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 6072

Muskogee, Indian Territory. February 4,1907.

Cynthia A. Washbourne,
Bohna, Indian Territory.

Dear [redacted]:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4,1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

7-9

Commissioner.

Cher IW 165

Cher IW 165

C.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

JESSE BARNETT

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE 4596

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Jesse Barnett for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Jesse Barnett.
Q How old are you? A Going on forty nine.
Q What is your Postoffice address? A Rose.
Q What district do you live in? A Saline.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, adopted.
Q Whom do you want to enroll? A Me and my woman.
Q What is your wife's name? A Julia Ann.
Q When did you marry her? A Eleven years ago.
Q Have you a certificate of marriage? A No sir.
Q What was her name before you married her? A She was a Bell.
Q Is the preacher living who married you? A No sir; he died last Summer.
Q You say you were married eleven years ago? A Eleven years ago the ninth of last June.
Q Is your wife a Cherokee? A Yes sir.
Q Did you have a license? A This is my second woman I am living with: My first woman was a citizen.
Q What was your first woman's name? A Salina Foreman.
Q Is she living? A No sir.
Q Did you live with her until her death? A Yes sir.
Q When did you marry her? A About twenty six or seven years ago.
Q Then you married your present wife? A Yes sir.
Q Have you any children you want to enroll? A I have two under age, but they are not with me: My brother-in-law, Joe Still has my children in Delaware District.
Q Do you want to enroll them? A I do not knot but what mayby they enrolled them at Vinita. One has been looking after himself a long time: He is in Goingsnake District.

By Mr. W. W. Hastings, Cherokee Representative:
Q Where were you in 1880? A In Goingsnake.

Commissioner T. B. Needles:
(1880 Roll, Page 412, #220, Jesse Barnett, G-snake District)
(1880 Roll, Page 413, #365, Julia Bell, G-snake District)
(1896 Roll, Page 1276, #24, Jessie Barnett, Tahlequah D'st)
(1896 Roll, Page 1138, #189, Julia Barnett, Tahlequah D'st)

Q Do you want to enroll these children of yours? A I enrolled them in 1896.
Q Do you want to enroll them now? A Well, I would like to enroll them.
Q What are their names? A Robert E.
Q How old is he? A About seventeen.
(1896 Roll, Page 1138, #190, Robt. E. Barnett, Tahlequah D'st)
Q Who is the mother of Robert E. Barnett? A My first woman.
Q Is he living now? A Yes sir.
Q Have you always lived in the Cherokee Nation yourself? A Yes sir.

Com'r. T. B. Needles: The name of Jesse Barnett appears upon the authenticated roll of 1880 as an intermarried white; also upon the census roll of 1896: The name of his present wife appears upon the authenticated roll of 1880, as Julia Bell, a Cherokee by blood, and upon the census roll of 1896 as Julia Barnett. The name of his first wife, Saline Foreman, the mother of Robert E. , age seventeen years, appears upon the authenticated roll of 1880, she being now

JESSE BARNETT ET AL.

-2-

deceased, and the name of Robert E. appears upon the census roll of 1896. They all being fully identified, and having made satisfactory proof of residence, the said Jesse Barnett will be duly listed for enrollment as a Cherokee citizen, by intermarriage, his wife, Julia Barnett, and child, Robert E. Barnett, as Cherokee citizens by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. A. Brown

Subscribed and sworn to before me this 17th day of December, 1906.

C. A. Bennett

COMMISSIONER.

JDR.
Cher. 6596.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 27, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of JESSE BARNETT as a citizen by intermarriage of the Cherokee Nation.

JESSE BARNETT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Jesse Barnett.
Q How old are you? A Fifty.
Q What is your post office address? A Rose.
Q Are you a white man? A White man.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What is the name of your wife? A Julia Ann.
Q Is she living? A yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to her? A Yes sir.
Q When were you and she married? A It has been--I could not tell exactly, but it has been about fourteen years last June.
Q You married along about 1888? A I reckon we were. I did know at the time, but I have forgotten.
Q Were you married to her at that time according to Cherokee law?
A Yes sir.
Q Have you filed with the Commission your Cherokee marriage license and certificate? A No sir. They said it was not required. They asked me for my marriage certificate, and I told them I didn't have one.
Q Were you ever married before you married your present wife?
A Yes sir.
Q What was the name of your first wife? A Selina Foreman.
Q Is she living? A No sir.
Q Was she a Cherokee by blood, A Yes sir.
Q When were you and she married? A I believe it was in 1870 or 1871.
Q Were you married to her according to Cherokee law? A Yes sir.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q Were you ever married before you married Selina Foreman? A No sir
Q Was she the only woman to whom you were ever married before you married your present wife? A Yes sir.
Q Was your former wife, Selina Foreman, ever married before she married you? A No sir.
Q You were her first husband and she was your first wife?
A Yes sir.
Q Did you and she live together continuously until the time of her death? A Yessir.
Q Were you living together when she died? A yes sir.
Q Did she die before you married your present wife? A Yes sir, nearly five years.
Q You and Selina Foreman were never separated? A No sir.
Q Your present wife is your second wife? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q You are her first husband? A Yessir.
Q Have you and she lived together continuously since your marriage?
A Yes sir.
Q Have you resided in the Cerokee Nation continuously since you married your first wife in 1870 or 1871? A Yes sir.

Cher. 6596----2.

Q Did she reside in the Cherokee Nation continuously until the time of her death? A Yes sir.
Q How long prior to her death did she live in the Cherokee Nation? Was she born and raised here? A Yes sir.
Q Lived here all of her life? A Yes sir.
Q How long has your pres nt wife resided in the Cherokee Nation? A I don't know just exactly, but it is somewhere about thirty years [illegible] brought back from the old country here when she was small. [illegible] A Yes sir.
Q Have you or heref you been outside the Cherokee Nation for any purpose within the past five years? A No sir, I reckon not. We have not lived anywhere else, only right in the Nation.
Q Have you been out for any length of time at all? A No sir, only on a visit, and that was just across the line.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Jesse Barnett as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 6596.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 18th day of November, 1902.

B C Jones
Notary Public.

Cherokee
No.6696

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, Indian Territory
January 4,1907

In the matter of the application for the enrollment of
[redacted] as a citizen by intermarriage of the Cherokee Nation

The applicant being first duly sworn testified as follows:

Q What is your name? A Jesse Barnett
Q How old are you? A I am going on 54
Q What is your postoffice address? A Leach
Q You claim to be a citizen by intermarriage of the Cherokee Nation?
A Yes sir
Q Through whom do you claim your intermarried rights?
A Salina Foreman
Q When were you married to Salina Foreman? A In '72.
Q In 1872? A Yes sir
Q What time? A It was in May or June I forget--the 19th of May or June
Q Got a license? A No sir
Q Did you get one? A Yes sir
Q What did you do with it? A I returned it to the District Judge and never saw them any more.
Q What district did you get it in? A Goingsnake
Q What was the name of the clerk who issued your license?
A The clerk? John Thornton
Q What was the name of the Judge? A Glover Thornton, his father
Q Where were you married? A Married at the Judge's house down in the lower part of the District
Q Were you ever married be ore you married Saline [redacted] Foreman?
A No sir
Q Was she ever married prior to her marriage to you? A No sir
Q Is she living at this time? A No sir
Q How long did she live after you married her? A She lived--well I can't say just exactly.
Q When did she die, what year?
A She's been dead about 21 or 22 years--20 years I reckon
Q Did you live with her from the time of your marriage up to the time of her death twenty years ago? A Yes sir
Q You married again after she died? A Yes sir
Q Who did you marry the second time? A I married Julia A. Bell
Q Is she a citizen of the Cherokee Nation? A Yes sir
Q By blood? A Yes sir
Q Did you marry her under a license? A No sir, I married her under the Cherokee Law--when we had the Cherokee Law
Q Who married you? A A parson by the name of George Gordon
Q Where was you married to her? A Up this side of the line at Siloam, in Goingsnake District,Cherokee Nation
Q Are you living with Julia A. Bell at this time? A No sir
Q How long did you live with her? A I lived with her seventeen years.
Q Did she die then? A No sir.
Q Did she quit you? A Yes sir
Q Where is she at the present time?

A Now living with a gentleman up there by the name of Wofford, Samuel Wofford.
Q Is she married to him? A Yes sir
Q Have you been married again since your marriage to her? A No sir
Q Did she get a divorce from you or you from her? A I got one from her.
Q Caught around? A Well she quit me in June and took up with Wofford.
Q You got a divorce from her on the ground of abandonment?
A Yes sir
Q When was it that you got this divorce? A In November
Q This year? A Last November
Q Did your first wife Saline Foreman have any brothers or sisters living at the time you married her? A She had one, Robert Foreman
Q Is he living at this time? A No sir.
Q When did he die? A He died nearly four years before my wife died
Q Did she have any sisters living? A No sir
Q Did you have any children by your first wife? A Yes sir
Q What are their names?
A The oldest is James William Barnett, the next Almon Barnett, the next one is Robert and the next one is George Washington
Q These are children by your first wife? A Yes sir I have got 4
Q Are they on the rolls as citizens of the Cherokee Nation? Yes sir
Q Enrolled as citizens by blood are they? A Yes sir
Q Give the ages of these four children in the order in which they were born, as near as you can.
A The first one was born in '75, the next one about 2 years after?
Q Born in '75? A I reckon so
Q The next one? A Well it must be about 4 years younger.
Q Born in 1879? A Yes sir
Q The next one? The next one was born, Well he's 20 or 21 years old, that's our baby
Q Any of these children married? A Yes sir, all married but the last one
Q Got families? A Yes sir
Q What is the name of the oldest boy? A James William
Q How many children has James William got? A Well there's five I believe, I wont say positive, but I believe its five.
Q What are their names do you know
A Well I can't tell all their names
Q Tell the ones you know
A Lets see, May be I can set out most of the names. The oldest is Ivy, the next one, I've never been about them they most always call them by their Nick names---
Q How many children has your next son got? A I can't tell you that, I believe that its four, I wont say positive, but 3 or 4
Q What is the second son's name, the one that has four children?
A Almon
Q How many has the next son got? A I couldn't say, I never saw them, I dont live anywhere near close to them.

Q It will be necessary for you to furnish this office with evidence showing that you were married to Saline Foreman under the laws of the Cherokee Nation prior to November 1,1875 and that she was a recognised citizen by blood of the Cherokee Nation at the time you married her?

The applicant is identified on the 1880 Cherokee roll Goingshake District opposite No. 220. His second wife Julia A Barnett is identified on said roll opposite No. 265. She is also identified on the final roll of citizens by blood of the Cherokee Nation opposite No. 15792

Witness excused

Gertrude Hanna being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above numbered case on January 4,1907 and that the above and foregoing is a true and correct transcript of her stenographic notes therein.

Gertrude Hanna

Subscribed and sworn to before me this 5th day of January,1907

Walter W. Pappell
Notary Public

F.R. Cherokee 6596.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. January 11, 1907.

In the matter of the application for the enrollment of Jesse Barnett as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Martin B. Sturdevant being first duly sworn by Walter W. Chappelle, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Martin M. Sturdevant.
Q How old are you? A Sixty-two.
Q What is your postoffice address? A Grove, I. T.
Q You appear here for the purpose of giving testimony relative to the enrollment of Jesse Barnett as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q How long have you know Jesse Barnett? A I have known him ever since before the civil war; I don't know how long that's been.
Q Do you know the name of his wife through whom he claims the right to enrollment as a citizen by intermarriage?
A Yes sir, Salina Foreman.
Q When was Jesse Barnett and Salina Foreman married?
A Well, I don't just recollect.
Q About when. A Well, I had a boy die--he would have been about 35 years old now, and Jesse Barnett was married before my boy was born. I don't know what year.
Q Was it prior to 1870? A It must have been right along there somewhere.
Q Were you present at the marriage? A No sir.
Q Do you know whether or not they were married under a license of the Cherokee Nation? A I guess he was. He got up signers to get his license.
Q Were you one of the signers to his petition? A Yes sir.
Q You say you were one of the signers to his petition. Of your own knowledge you don't know whether the marriage ceremony was under the license? A No sir.
Q Or by whom it was performed? A No, I don't.
Q Or the exact date? A No sir.
Q Has it always been your understanding that Jesse Barnett and his wife Salina Foreman were married in accordance with the laws of the Cherokee nation? A Yes sir.
Q Since their marriage they have lived together as man and wife in the Cherokee nation, continuously? A Yes, unti, she died.
Q What is the date of her death? A I can't tell you.
Q About when did she die? A Mist be sometime about 20 years or more.
Q Has Jesse Barnett married since the death of his firse wife, Salina Foreman? A Yes sir.
Q When did he marry the second time? A She was a Bell, I think.

Q You don't know her full name? A No sir.
Q Was she a citi zen of the Cherokee nation by blood, this second wife? A Yes sir.
Q Is this second wife living at this time? A I don't know whether she is or not. I haven't seen her for about 10 or 15 years.
Q Do you know whether or not Jesse Barnett was married at any later time, or contracted any other marriages than these two you have just testified about? A No sir.
Q He was not married prior to the time he married Salina Foreman, was he? A No sir.
Q Salina Foreman was not married prior to the time she married Jesse Barnett? A No sir.
Witness excused.

George Still, being first duly sworn by Walter W. Chappelle, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A George Still.
Q What is your age? A Sixty-one.
Q And your postoffice address? A Leach, Indian Ter.
Q You appear here for the purpose ofmgiving testimony relative to the right to enrollment of Jesse Barnett as a citizen by intermarriage of the Cherokee Nation? A Yes sir
Q How long have you known Jesse Barnett? A I knowed him before the war, and I just can't tell how long that's been
Q Do you know about when he was married to Salina Foreman
A No, I don't know just what time it was.
Q Were you present at his marriage to Salina Foreman?
A No, I wasn't there, but I signed his petition to get married.
Q You was one of his signers to the petition for license to ger married? A Yes, that's right.
Q You don't know whether they were married prior to November 1, 1875, the best you recollect at this time? A No, I don't know exactly.
Q Of your own knowledge you don't know whether or not the marriage ceremony was under a license of the Cherokee Nation?
A No, I don't. I wasn't there.
Q It was the understanding at the time they were married, however, that such marriage was in accordance with the laws of the Cherokee nation? Was under a license? A Yes.
Q And from the time of their marriage until the death of his wife they lived together continuously as man and wife in the Cherokee nation, did they? A Yes sir.
Q They were regarded as man and wife, and so held out to the community? A Yes sir.
Q Do you know about when Salina Foreman died? A No, I dont
Q Did Jesse Barnett marry a second time? A Yes, he married one of them Bells.
Q Was this second wife a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know whether or not this second wife is living at this time? A I guess she is living.
Q The last time you knew anything about them were they living together as man and wife in the Cherokee Nation?
A Yes sir.

Q. And has been from the time of their marriage up until to then? A. Yes sir

Q. Jesse Barnett is living in the Cherokee Nation at this time, is he? A. Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her shorthand notes thereof.

Frances R Lane

Subscribed and sworn to before me this January 12, 1907.

Edward Merrick
Notary Public.

E.C.M. Cherokee 6596

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Barnett as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That on December 13,1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of Jesse Barnett, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah,Indian Territory, October 27, 1902, and at Muskogee,Indian Territory, January 4, 1907 and January 11, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Jesse Barnett, a white man, was married in accordance with Cherokee law in 1872 to his wife, Selina Barnett, nee Foreman, since deceased, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No.221, as a native Cherokee "Dead"; that from the time of said marriage until the death of Selina Barnett, which occured about the year 1886, the said Jesse Barnett and Selina Barnett resided together as husband and wife and continuously lived in the Cherokee Nation. It is further shown that about the year 1888, said Jesse Barnett married one Julia A. Barnett, nee Bell, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No. 265, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 15792; that from the time of said marriage, the said Jesse Barnett and Julia A. Barnett resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS THEREFORE ORDERED AND ADJUDGED? That in accordance with the decision of the Supreme Court of the United States,dated November 5,1906, in the cases of Daniel Red Bird,et al.vs. the United States, Nos. 125, 126, 127, 128, the said applicant,Jesse Barnett is entitled, under the provisions of Section 21, of the Act of Congress approved June 28,1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee,Indian Territory,
this FEB 6 1907

Cherokee 6594

Muskogee, Indian Territory, February 6, 1907.

W. H. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, granting the application for the enrollment of Jesse Barnett as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.E-22
JMM

Commissioner.

Cherokee 6596.

Muskogee, Indian Territory, February 6, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Jesse Barnett as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 4596

Muskogee, Indian Territory, February 6, 1907.

Jesse Burnett,

Ingalls, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-23
JMH

Commissioner.

Cher IW 166

Cher IW 166

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

ELVIRA B. DAMMENBERG

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.10065.

All correspondence concerning patients should be addressed to
O. R. WOODSON, M. D., SUPT.
R. W. CROCKETT, Steward.

J. T. FIELD, M. D., 1st Ass't.
J. C. SMITH, M. D., 2d Ass't.
BEN. H. SMITH, M. D., 3d Ass't.
MRS. EFFIE E. EVANS, Matron.

1017

State Hospital for Insane No. 2

Superintendent's Office

St. Joseph, Mo. June 12, 1902 190

WHEN YOU WRITE MAKING INQUIRIES CONCERNING PATIENT, GIVE NAME OF PATIENT AND YOUR ADDRESS.

TO WHOM IT MAY CONCERN

I here by state that Mrs. Elvira Danenburg of Andrew County, Missouri, was admitted to this Institution June 6,1898. She has been an inmate of this Institution since that date. She has Chronic Mania. She is very badly disturbed, destructive, and generally troublesome. I do not think that she will ever be any better mentally. Her general health is very good.

O R Woodson
Superintendent.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of JOHN C. DANNENBERG, for the enrollment of his mother as a citizen by intermarriage of the Cherokee Nation:

JOHN C. DANNENBERG, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A John C. Dannenberg.
Q Is Tahlequah your post office address ? A Yes sir.
Q Do you make application for the enrollment of your mother ?
A Yes sir.
Q What is the name of your mother ? A Elvira B. Dannenberg.
Q About how old is she ? A I suppose she must be 48.
Q Is she a Cherokee by blood ? A No sir.
Q What was her father's name ? A Doctor Vestal is all I can tell you. I know her mother's full name.
Q What was her mother's name ? A Mary J. Vestal.
Q Her parents are both dead ? A No sir, her mother is still living, her father is dead.

By Mr. Hastings: What is your father's name ?
A Richard M. Dannenberg.
Q Was he ever married but the one time ? A He has been married twice.
Q Was your mother ? A No sir, my mother has only been married once.
Q Her marriage to your father was her only marriage ? A Yes sir.

--1880 roll, page 361, # 430, Flint District, E. B. Dannenberg;

By the Commission: When was your mother married to your father Mr. Dannenberg ? A In 1873 I believe.
Q How long did they continue to live together as man and wife ?
A Well, I was born in 1874, and I think it must have been about in 1878.
Q Have they separated ? A Yes sir.
Q Where has your mother been since that time ?
A She has been in an asylum at St. Joe, Missouri.
Q Has she been there since her separation from your father ?
A I think so, I haven't seen her.

The Commission: There is offered in evidence by the applicant a certificate from C. R. Woodson, Superintendent of the State Hospital for the Insane, St. Joe, Missouri, June 18, 1902, relative to the mental condition of Mrs. Elvira Dannenberg. The same is filed herewith and made a part of the record.

Q To the best of your knowledge your mother separated from your father about 1878 ? A Yes sir.

--The following note appears opposite the name of the applicant on the 1880 roll: "In State of Missouri--insane".

John C. Dannenberg applies for the enrollment of his mother as a citizen by intermarriage of the Cherokee Nation. His mother is duly identified on the roll of 1880 as an adopted white.

It appears from the evidence in this case that about the year 1878, she separated from her husband, and that she has been confined in an insane asylum at St. Joe, Missouri, since. Final judgment

as to her case will be suspended and her name placed upon a doubtful card pending final consideration and judgment by the Commission.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this June 28, 1902.

F. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 3 1902
ACTING CHAIRMAN

Motion Supplic.

Respectfully and respectfully to plaintiff in error, that we cannot consider the
K. C. Barnett, on behalf of the Citizen Tribe, be correctly recorded, and that
Commission to the Five Civilized Tribes, in the matter of his application
testimony and proceedings had in the Citizen Tribe, be entitled cause, and
the foregoing is an accurate statement of the proceedings and motion
the record.

Respectfully and respectfully to plaintiff in error, that we cannot consider the
K. C. Barnett, on behalf of the Citizen Tribe, be correctly recorded, and that
Commission to the Five Civilized Tribes, in the matter of his application
testimony and proceedings had in the Citizen Tribe, be entitled cause, and
the foregoing is an accurate statement of the proceedings and motion
the record.

Commission.

Commission.

The only ground taken and relied upon by the plaintiff in error is that
the court erred in overruling the motion for a new trial.

The only ground taken and relied upon by the plaintiff in error is that
the court erred in overruling the motion for a new trial.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date June 23, 1908

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

48 Wife's name Elvira B. Dannenberg

District Flint Year 1880 Page 861 No. ~~545~~ 430

Citizen by blood no Mother's citizenship Cherokee - d - w

Intermarried citizen yes Mary J. " - d - w

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Doubtful

On 1880 roll as E. B. Dannenberg.

J. G. Dannenberg - Agent

Cher D 1347
Supp'l

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of ELVIRA B. DANNENBERG, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation:

JOHN C. DANNENBERG, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A John C. Dannenberg.
Q What is your age ? A Twenty eight.
Q What is your post office ? A Tahlequah, I. T.
Q Are you acquainted with Elvira B. Dannenberg ? A Yes sir.
Q She is an applicant before this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation ? A Yes sir.
Q What relation are you to her ? A She is my mother.
Q Where is she at present ? A In the State Hospital for the Insane, St. Joseph, Missouri.
Q How long has she been there Mr. Dannenberg ?
A I presume about twenty three or four years.
Q What was the name of her husband ? A Richard M. Dannenberg.
Q He is a citizen by blood of the Cherokee Nation ?
A He is.
Q Were your mother and Richard M. Dannenberg separated before she was placed in the Hospital at St. Joe ? A No sir.
Q Where were they living at the time she became insane ?
A Flint, Indian Territory.
Q In the Cherokee Nation ? A Yes sir.
Q Was she taken from the Cherokee Nation up to St. Joe, Missouri, when she went insane ? A Yes sir.
Q And she has been in the asylum ever since ? A Ever since.
Q She has never married any other man except your father Richard M. Dannenberg ? A No sir.
Q Did your father get a divorce from her when she went insane ?
A I don't know.
Q You know that so far as your mother is concerned she had never married any other man up to the first day of September, 1902 ?
A Oh no sir.
Q Do you know what her condition is at this time ?
A Yes sir, the physician in charge advises me that her case is hopeless.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this October 23, 1902.

B. C. Jones
Notary Public.

Cherokee D-1347.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
---o---

In the matter of the application for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation.

|| || || || || || || ||

D E C I S I O N.

--:o:--

The record in this case shows that on June 25, 1902, John C. Dannenberg appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his mother, Elvira B. Dannenberg, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 13, 1902.

The evidence shows that the said Elvira B. Dannenberg was lawfully married to Richard M. Dannenberg, a Cherokee citizen by blood, about the year 1873, and they lived together in the Cherokee Nation until about 1878, at which time she became insane and was taken to the State Hospital for Insane at St. Joseph, Missouri, and that she has been an inmate of said institution since June 6, 1878. The said Elvira B. Dannenberg is identified on the Cherokee Authenticated Tribal Roll of 1880.

The evidence further shows that the said Elvira B. Dannenberg, on the date of this application, had been continuously confined since 1878 at the State Hospital for Insane at St. Joseph, Missouri, and that she had never been divorced from her said husband, Richard M. Dannenberg, and was, therefore, his lawful wife on September 1, 1902.

It is not considered that the absence of the applicant from the Cherokee Nation and Indian Territory, under the conditions stated, has worked a forfeiture of her citizenship, and it is considered by the Commission that Elvira B. Dannenberg should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

Cherokee
No. 10068

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Muskogee, Indian Territory

January 4, 1907

In the matter of the application for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation.

John C. Dannenberg, representing the applicant, being duly sworn, testified as follows:

Q What is your name? A John C. Dannenberg.
Q How old are you? A My next brithday, 33.
Q What is your postoffice address? A Tahlequah
Q Do you know Elvira B. Dannenberg? A Yes sir
Q What relation are you to Elvira B. Dannenberg? A I am her son
Q You appear here today in behalf of her application for enrollment as a citizen by intermarriage of the Cherokee Nation? A I do.
Q Through whom does Elvira B. Dannenberg claim her right to enrollment as a citizen by marriage of the Cherokee Nation?
A Through my father, Richard M. Dannenberg.
Q When was Richard M. Dannenberg and your mother married?
A April 9, 1873
Q Where were they married, if you know? A They were married in Buchanan County, state of Missouri.
Q Have you any documentary evidence of their marriage? A I have. I have the certificate of the minister who performed the ceremony
Q Do you desire to offer this in evidence? A I do. I also wish to introduce my father to prove that B. M. Denenberge mentioned in this certificate and Richard M. Dannenberg are one and the same person.

Certificate of Marriage of B.M. Denenberge and Miss E.B. Vestal filed herewith and made a part of the record in this case.

Witness excused

Richard M. Dannenberg being called as a witness in behalf of the applicant, testified as follows:

Q What is your name? A Richard M. Dannenberg
Q How old are you Mr. Dannenberg? A 56 next birthday
Q What is your postoffice address? A Tahlequah.
Q Are you the husband of Elvira B. Dannenberg? A Yes sir
Q When was you married to Elvira B. Dannenberg? A April 9, 1873
Q Are you the identical person mentioned in the certificate filed here by her son who is mentioned in said certificate as B. M.

Denenberge? A Yes sir
Q How long did you live with Elvira B. Dannenberg after you married her? A Five years
Q Was she a recognized citizen of the Cherokee Nation at the time you married her? A Yes sir.
Q Where did you live with her? A I lived in the Cherokee Nation,
Q Moved to the Cherokee Nation immediately after your marriage?
A I was born and raised in the Cherokee Nation, moved there immediately after my marriage with Elvira B. Dannenberg
Q Is Elvira B. Dannenberg living at this time? A That I don't know, I suppose she is.
Q When was the last time you saw her? A About 26 years ago, I con't remember the exact date.
Q Where was she at that time? A She was in Missouri

Witness excused

The applicant is identified on the 1880 Cherokee roll, Flint District, opposite No. 430. Her husband through whom she claims right to enrollment is identified on said roll in said district opposite No. 429 . He is also identified on the final roll of citizens by blood of the Cherokee Nation opposite No. 17102.

Gertrude Hanna, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above numbered case on January 4,1907 and that the above and foregoing is a true and correct transcript of her stenographic notes taken therein.

Gertrude Hanna

Subscribed and sworn to before me this 5 day of January,1907

Chas E Webster
Notary Public

D-1347

INDEXED.

COMMISSION TO FIVE TRIBES.	
No. 18[illegible] 1902	Received OCT 17 1902

Dannenberg, J. C.
Tahlequah, I. T.
Oct. 15, 1902

CHEROKEE

Rel. to enrollment of Mrs. Elvira Dannenberg.

[illegible]

[illegible]

[illegible]

RESIDENT AGENT
HARTFORD FIRE INSURANCE CO.
INCORPORATED 1810.
LOSSES PAID $72,000,000.00.

Office of
J. C. Dannenberg.
Insurance.

Tahlequah, I. T. Oct. 15th, 1908.

The Commission to the Five Civilized Tribes,
Muscogee, Indian Territory.

Gentlemen:--

In re Mrs. Elvira Danneberg, applicant for enrollment as a Cherokee citizen by intermarriage.

I appeared before the Commission on the 13th instant to make further statement with reference to this case. In reply to a question, "Was your father divorced from your mother," I believe my reply was," I do not know." This is not correct and I make this statement to correct it. My father was not divorced from my mother and I would respectfully request that this letter be filed with my statement if possible.

Very respectfully,

J. C. Dannenberg

Denenberge To Vestal

State of Missouri }
County of Buchanan } ss. I hereby certify that I joined in Marriage on the 9th day of April, 1873 Mr. B. M. Denenberge and Miss E. B. Vestal of the County aforesaid.

Given under my hand this 9th day of April, 1873.

Elder T. R. Ferguson

Filed for record April 12th, 1873.

Thomas Kellis Recorder.

STATE OF MISSOURI, }
COUNTY OF BUCHANAN, } ss

I, JOSEPH N. KARNES, Recorder of Deeds, within and for the County and State aforesaid, do hereby certify that the above and foregoing instrument of writing is a true and correct copy of the Record, as recorded in book "C" at page 428 of the Records of Buchanan County.

of the Marriage of Mr B. M. Denenberge and Miss E. B. Vestal

marriage

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in ST. JOSEPH, MO., this 29th day of December 1906.

Joseph N. Karnes Recorder of Deeds

E C M Cherokee 10065.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ELVIRA B. DANNENBERG as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on June 25, 1902 application was received by the Commission to the Five Civilized Tribes for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory October 13th, 1902 and January 4th, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Elvira B. Dannenberg, a white woman, married on April 9th, 1873 one Richard M. Dannenberg, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation and who is identified on the Cherokee authenticated tribal roll of 1880, Flint District, page 361, No.429 as a native Cherokee. It is further shown that from the time of said marriage on April 9th, 1873 until June 6th, 1878 the said Richard M. Dannenberg and Elvira B.Dannenberg resided together as husband and wife and continuously lived in the Cherokee Nation; that on June 6th, 1878 the said Elvira B. Dannenberg was sent to the State Hospital for the Insane at St. Joseph,Missouri; that since her reception into said institution the said Elvira B. Dannenberg has remained hopelessly insane and continued a patient therein; that said Richard M. Dannenberg and Elvira B. Dannenberg have not been divorced nor has the said Richard M. Dannenberg remarried since April 9th, 1873. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th,1906 in the cases of Daniel Red Bird,et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Elvira B. Dannenberg is entitled, under the provisions of Section Twentyone of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this JAN 30 1907.

Cherokee 10065

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elvira B. Dannenberg, as a citizen by intermarriage of the Cherokee Nation.

--:--

SUPPLEMENTAL DECISION.

The records of this office show that on June 25, 1902, application was received by the Commission to the Five Civilized Tribes for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 13, 1902, and January 4, 1907.

The Commissioner to the Five Civilized Tribes in his decision dated January 30, 1907, granted the application for the enrollment of said Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation.

The records further show that on December 10, 1902, the Commission to the Five Civilized Tribes rendered its decision granting the application for the enrollment of said applicant as a citizen by intermarriage of the Cherokee Nation, a fact not mentioned by the Commissioner in his decision dated January 30, 1907.

It is therefore ordered and adjudged that the decision of the Commission to the Five Civilized Tribes dated December 10, 1902, granting the application for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation, be, by this supplemental decision, affirmed, and the Commissioner's decision dated January 30, 1907, granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation, be also affirmed.

Commissioner

Dated at Muskogee, Indian Territory,

this February 1, 1907.

ALL CORRESPONDENCE CONCERNING PATIENTS
SHOULD BE ADDRESSED TO
C. R. WOODSON, M.D., SUPT.
R. W. CROCKETT, STEWARD.

A. P. BUSEY, M.D., 1ST ASS'T.
C. B. SIMCOE, M.D. 2D ASS'T.
CHAS. O'FERRALL, M.D., 3D. ASS'T.
MRS. FLORENCE A. MORSE, MATRON

State Hospital for Insane No. 2

Stewards Office

St. Joseph, Mo. October 3rd, 1902

J. C. Dannenberg,

Tahlequah, I. T.

Dear Sir:-

Yours of the 27th ult. at hand. Enclosed find certificate as to Mrs. Dannenberg condition etc.

Mrs. Elvira Dannenberg of Andrew County, Missouri has been an inmate of this institution continuously during my incumbency as Superintendent since August 11th, 1890. and that the said Mistress Dannenberg was an inmate at the time I took charge of said institution. She has not married during this period of time,

Respectfully,

C R Woodson

Superintendent.

OCT 9 1902

COPY.

Cherokee D 1347.

Muskogee, Indian Territory, December 20, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of John C. Dannenberg for the enrollment of his mother, Elvira B. Dannenberg, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enclosure H. No. 418.

COPY

Cherokee D-1347

Muskogee, Indian Territory, January 14, 1903.

John C. Dannenberg,

Tahlequah, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for the enrollment of your mother, Elvira B. Dannenberg, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-240

Register.

~~Cherokee Breed.~~
C.10065.

Muskogee, Indian Territory, November 19, 1906.

J. C. Dannenberg,

Tahlequah, Indian Territory.

Dear Sir:

Replying to your letter of November 12, 1906, you are advised that as this office has not been officially advised of the decision of the United States Supreme Court in the case involving the question of the right of intermarried white persons to enrollment as citizens of the Cherokee Nation, it can give you no information at this time as to whether or not your mother, Elvira B. Dannenberg, is entitled to enrollment, or whether the record in her case is complete.

On receipt of official notice of the Court's decision, intermarried white cases will receive prompt consideration of this office.

Respectfully,

S.W.

Commissioner.

Cherokee
10066

Muskogee, Indian Territory, December 27, 1906.

J. C. Dannenberg,

Tahlequah, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine the right of your mother, Elvira B. Dannenberg, to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of her marriage and whether or not her husband, by reason of her marriage towhom she claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of her marriage to him.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

GHL

Acting Commissioner.

Cherokee 10065

Muskogee, Indian Territory, January 30, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 30, 1907, granting the application for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Enc I-39

RPI

Commissioner.

Cherokee 10065

Muskogee, Indian Territory, January 30, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully/

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 10065

Muskogee, Indian Territory, January 30, 1907.

J. C. Dannenberg,

Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 30, 1907, granting the application for the enrollment of your mother, Elvira B. Dannenberg, as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your mother's name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Enc I-40 Commissioner.

RPI

Cherokee 10068

Muskogee, Indian Territory, February 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of supplemental decision of the Commissioner to the Five Civilized Tribes, dated February 1, 1907, granting the application for the enrollment of Elvira B. Dannenberg as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-92
JMH

Cherokee 10065

Muskogee, Indian Territory, February 1, 1907.

J. C. Dannenberg,

Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the supplemental decision of the Commissioner to the Five Civilized Tribes, dated February 1, 1907, granting the application for the enrollment of your mother, Eliza B. Dannenberg, as a citizen by intermarriage of the Cherokee Nation.

You will be advised when the name of your mother has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-93
JMH

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

JOHN W. BREEDLOVE

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE 1471

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I.T., August 15, 1900.

In the matter of the applicationof John W. Breedlove for the enrollmentof himself, wife and childrenas Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testifies as follows:

Q What is your full name? A John W. Breedlove.
Q What is your age? A Forty-eight years old.
Q What is your post-office? A Muldrow.
Q What is your district? A Sequoyah.
Q For whom do you apply for enrollment? A Myself, my wife and children.
Q How many children under age? A Six living.
Q Do you apply for yourself as a Cherokee by blood? A No sir, I am an adopted citizen.
Q Do you apply for your wife as a Cherokee by blood? A Yessir
Q What is your wife's name? A Carrie W.
Q How old is she? A She is forty-two.
Q When were you married? A In 1875.
Q Your wife is upon the roll of1880? A Yes sir.
Q Has she lived in the Cherokee Nation ever since 1880? A Yes sir, not continuouously; she hasbeen out with the children at school recently.
Q Did she go out for the purpose of making a home, or simply for school purposes? A No sir, for school purposes.
Q Has your principal home and place of residence been all the time since 1880 in the Cherokee Nation? A Yes sir, I have never been out.
Q You are on the roll of 1880 are you? A Yes sir.
Q You have made your home continuously in the Cherokee Nation since 1880 A Yes sir.
Q You and your wife have lived together ever since 1880? A Since 1875.
Q Give me the names of your children and their ages? A William O., eighteen years old; John C., sixteen years old; Cassie, fourteen years old; Wharton, twelve years old; Walton D., ten years old; Charles W., one andone-half years old.
Q These are all living at this time? A Yes sir.
1880 roll, page 686 #215 John W. Breedlove, Sequoyah District.
1880 roll, page 686 #216 Carrie W. Breedlove, Sequoyah District.
1896 roll, page 1054 #171 Carrie W. Breedlove, Sequoyah District.
1896 roll, page 1111 #17 John W. Breedlove, Sequoyah District.
1896 roll, page 1054 #173 William O. Breedlove, Sequoyah District.
1896 roll, page 1054 #174 John C. Breedlove, Sequoyah District.
1896 roll, page 1054 #175 Cassie Breedlove, Sequoyah District.
1896 roll, page 1054 #176 Wharton Breedlove, Sequoyah Dis't.
1896 roll, page 1054 #177 Walton D. Breedlove, Sequoyah District.

Com'r Breckinridge: The wife of this applicant is identified on the roll of 1880 as a Cherokeeby blood; he is identified on the roll of 1880 as a Cherokeeby adoption; they are both identified on the roll of 1896; five of their children, William O., John C., Cassie, Wharton and Walton D., are identified on the roll of 1896; now the applicant will be listed at this time for enrollment as a Cherokee by adoption, and his wife and these five children will be listed at this time for enrollment as Cherokees by blood; the youngest child, Charles W. is too young to be upon any roll of the Cherokee Nation; certificate of the birth of this child is duly made out and attested and supplied to this Commission then this child Charles W. Breedlove will also be enrolled as a Cherokee by blood.

John W. Breedlove et al #2

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoingis a full true and complete transcript of his stenographic notes.

M D Green

Subscribed and sworn to before me this 23 day of August 1900.

Commissioner.

15

AUG 24 1900
RECEIVED
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

W

1471

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1900

ACTING CHAIRMAN

Cherokee 1471.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 9, 1902.

In the matter of the application of John W. Breedlove for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Carrie W., and children, William O., John C., Cassie, Wharton, Walton D. and Charles W. Breedlove, as citizens by blood of the Cherokee Nation.

James W. Breedlove, being sworn and examined by the Commission, testified as follows:

Q What is your name, age and postoffice? A James W. Breedlove; I am twentyf-ive years old, live at Muldrow, I. T.

Q Are you acquainted with John W. Breedlove who is an applicant before this Commission as an intermarried citizen of the Cherokee Nation? A Yes sir, I am.

Q Is he any relation of yours? A He is my father.

Q Where does John W. Breedlove live? A He lives at Muldrow, Indian Territory; he has a temporary residence I might say at Fort Smith where his children are going to school. His family stays down there in the winter, in school season, and attend school at Fort Smith.

Q Has John W. Breedlove and his wife, Carrie, lived together ever since 1880 as husband and wife? A Yes sir.

Q They never have been separated? A No sir.

Q They were living together on the first day of September, 1902, as husband and wife? A Yes sir.

Q You say they have a temporary residence in Fort Smith? A Yes sir.

Q When did they go to Fort Smith? A I think it must have been in '99 or 1900. I think it was in '99; I am not positive, I am making a rough guess.

Q When they went to Fort Smith did all the family go, did the mother and father and all the younger children? A Yes sir.

Q Do they keep house there in Fort Smith? A Yes sir.

Q Now was 1899 or 1900 the first time they went to Fort Smith? A Yes sir.

Q They never have been to Fort Smith prior to that time to live? A No sir.

Q And as I understand you do they go over there in the fall of every year and stay during the school term? A They come back to our home in the territory during the summer months.

Q Where is that? A One and a half miles from Muldrow, our old home place.

Q Who still owns that? A My father.

Q Does your mother and father and all the children come up there in the summer? A Yes sir.

Q Do they stay out on the farm? A Yes sir, they stay out on the farm and some time they stay in town where my father's office is.

Q What business is your father in at Muldrow? A He is in the long distance telephone business.

Q This home place you speak of, while they are away what is done with the house while they are away? A We have some tenants live in the back yard; they take care of the property, servants there that oversee the property there etc.

Q Don't anybody occupy the main house proper while they are away? A Yes sir, I think they do.

Q When they come back in the summer time do they go out and keep house or simply board along with the renters, or live in town? A I don't know that they make anything like a permanent residence out of it, no more than to spend the summer months out there.

Q Isn't it a fact since your father has taken his family to Fort Smith in '99, isn't that the only place he has kept house since he went there? A Yes sir.

Q He never kept house anywhere else except in Fort Smith since he took his family there in '99? A Yes sir.

Q Since then he has kept his property here and has it rented out?
A No sir, no more than to bring the family up in the summer months and they stay there on the farm.
J. C. Starr: Did your father live at Fort Smith any time before 1899? A. Not that I know of; not since I have been born; if he ever did I don't know anything of it.
Commission: Where did he live before he went to Fort Smith? A On this farm at Muldrow. He has lived there ever since I was born, I was born right there.

This testimony will be filed as supplemental in the matter of the application of John W. Breedlove et al. In case further testimony will be required the applicant will be notified to appear.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. G. Rothenberger

Subscribed and sworn to before me this 6th day of November, 1902.

B. O. Jones
Notary Public.

Cherokee 1471.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 10, 1902.

In the matter of the application of John W. Breedlove for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Carrie W. and children, William O., John C., Cassie, Wharton, Walton D. and Charles W. Breedlove, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John W. Breedlove.
Q What is your age at this time? A Fifty years old.
Q What is your postoffice? A Muldrow.
Q You are an applicant for enrollment as an intermarried citizen are you? of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Carrie W. Bruton was her name.
Q Is she a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q When were you married to your wife, Carrie? A August 25, 1875.
Q You are on the roll of 1880 with her as her husband are you? A Yes sir.
Q Have you ever been married to any other women besides your wife, Carri e W. Bruton? A No sir.
Q She is the only wife you have ever had is she? A Yes sir.
Q Has she ever been married to any other man? A No sir.
Q You were the only husband she ever had? A Yes sir.
Q Have you lived in the Cherokee Nation continuously from 1880 up until the present time? A Yes sir.
Q Where has your family been for the last two years? A My family has been in Fort Smith.
Q When did your family first go to Fort Smith? A They moved to Fort Smith August 12, 1896.
Q Are they keeping house there, Mr. Breedlove? A Yes sir, they went there to get the children in school. She stayes there and I stay in the territory.
Q Do you go over there to see her? A Yes sir.
Q How often do you go there? A Once and twice a week.
Q D o you run a house in the City of Fort Smith do you not? A Yes sir, I have a house there.
Q House furnished? A Yes sir.
Q You are not separated from your wife? A No sir.
Q You and she were living together on the first day of September, 1902? A Yes sir.
Q But you claim your residence in the territory and she resides in Arkansas is that it? A Yes sir, my business is over in the territory; I always stay here and sometimes run home at night.
Q How do you fix the date when your family first went to Fort Smith? A I have been in the territory - I have twelve children, and was at one place all the time, and a man nearly always remembers when he leaves a home like that; I was there for over twenty years.
Q Your family lived right there all the time until they went to Fort Smith in '96? A Yes sir, in '96.
Q They never moved away from the farm before that? A No sir, we never had but two places where we resided; that was there and in the house at Fort Smith.
Q Your wife has not been on thisside to keep house since she went to Fort Smith? A She comes up in summer to keep camp and fish and hunt with the children - fishing. She has never kept house on this side.
Q She kept house always in Fort Smith? A Yes sir; I have a hotel built on the place where I am and they come there and stay part of the time during vacations and then they go back to school.
Q Give me the date of when your wife and family went to Fort Smith, the first time they moved over there? A August 12, 1896.

Q And your wife with the children have kept house there in Fort Smith ever since up until now have they? A Yes sir.
Q And you go over there once and twice a week to see them? A Yes sir.
Q How far is your place in the Cherokee Nation from Fort Smith? A It is ten miles.
Q When you go over to see them you usually stay all night do you not? A Yes sir.
Q How long is the longest time you ever spent at any one time in Fort Smith since you have been over there? A Not longer than one or two days; I don't believe I stayed over two days.
Q Did your children, Mr. Breedlove, attend the public schools in Fort Smith or private schools? A They attend - some of them attend the public schools and some private schools. I have two boys that are grown, that are both back in the territory; they came just as soon as they could leave schooling and came out here and stayed with me.
Q You pay taxes on your property in Fort Smith don't you? A Yes sir, I pay taxes on it.
Q Have you ever voted in any of the municipal elections in Fort Smith? A No sir.
Q Did you ever vote in any of the state or county elections? A No sir.
Q Have you ever paid poll tax in Fort Smith? A No sir. I want to say that before I moved my family to town I talked to McKennon and he said it would be perfectly right; he said if your home is there for the purpose of education you have a right to go there on business and attend to anything.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings of this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 10th day of December, 1902.

B. W. Jones
Notary Public.

Cherokee 1471.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 3, 1907.

In the Matter of the Application for the Enrollment of John W. Breedlove as a citizen by intermarriage of the Cherokee Nation.

Carrie W. Breedlove be ing first duly sworn by John E. Tidwell, Notary Public, testified as follows:

Q What is your name? A Carrie W. Breedlove.
Q What is your age? A 48.
Q What is your post office address?
A Muldrow, Indian Territory.
Q Are you a citizen by blood of the Cherokee Nation?
A I am.
Q Your name appears upon the Tri bal Roll as such, does it?
A Yes sir.
Q Are you married?
A I am a widow.
Q What was the name of your husband?
A John W. Breedlove.
Q When did he die?
A May 18, 1904.
Q You appear here to-day for the purpose of giving testimony relative to his right to enrollment as a citizen by intermarriage of the Cherokee Nation, do you?
A Yes sir.
Q He was not a Cherokee by blood?
A No sir.
Q His claim to the right to enrollment is based upon his marriage to you?
A Yes.
Q When were you married to your husband?
A 1875.
Q Where were you living at the time you married him?
A Near a small place called Cottonwood, before Muldrow was in existence, in the Cherokee Nation.
Q Was he living in the Cherokee Nation at that time?
A Yes; had been for a number of years.
Q Was he ever married prior to his marriage to you?
A If he was, I never knew of it.
Q You never were married before you married him?
A No.
Q From the date of your marriage, did you and he continuously live together as husband and wife until the time of his death in 1904?
A We did.
Q And lived continuously in the Cherokee Nation?
A For about seven years we lived in Fort Smith, Arkansas, for the benefit of the schools, or I did rather; Mr. Breedlove stayed at Muldrow.
Q That was temporary absence?
A Yes sir; for the benefit of the schools.
Q You considered the Cherokee Nation your home all the time you were living in Fort Smith?
A Yes sir.
Q You had property here and a home here?
A Yes sir; and I neglected to say that it was September, '75 that we were marred.

Q When John W. Breedlove married you, did he secure the license in due form?
A He did.
Q And you were married in accordance with the laws of the Cherokee Nation?
A Yes sir; and you have our certificate with the Clerk's seal on it, filed here with the Dawes' Commission, I suppose. I gave it to my husband to file.
Q He filed it with the Commission to the Five Civilized Tribes?
A Yes sir; before his death.

The applicant, John W. Breedlove, is identified on Cherokee authenticated Tribal Roll of 1880, Sequoyah District, No. 215. His wife, Carrie W. Breedlove, is included in approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 4006.

Q In what district were you living at the time you were married?
A We have always lived in Sequoyah District.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 4th day of January, 1907.

B P Rasmus
Notary Public.

C E R T I F I E D C O P Y.

Cherokee Nation. }
Seqouya District. }

John W. Breedlove, a white man and a citizen of the United States, having this day made application for a marriage license by presenting a petition with the requisite number of signers and having also already complied with the law respecting intermarriage with white men, therefore marriage license is hereby granted to the said John W. Breedlove to marry Miss Cassie Bruton, a Cherokee Lady.

Now, therefore, to any of the Judges of the Cherokee Nation or any regularly ordained minister of the Gospel, "Greeting". You are hereby authorized to join in the holy state of matrimony by solemnizing the rites usually observed in such cases between the above named John W. Breedlove and Miss Cassie Bruton. Given from under my hand in office on this 2nd. day of Sept., 1875.

R. R. Taylor,
Clk. Seq. Dist..

This certified that I, W. S. Derrick, have this day solemnized the rite of matrimony between the parties whose names are within. Witness my hand this the 10th of Sept. 1875.

W. S. Derrick,
Ordained Minister of the Gospel.

Recorded in the office of the Dist. Clerk of Seq. Dist. this 2nd. day of Oct.,1875.

R. R. Taylor,
Clk. Seq. Dist.

I, Frances R. Lane, a stenographer to the Commissioner to the Five Civilized Tribes, hereby certify that the foregoing is a true and complete copy of a marriage license and certificate now on file in this office. Frances R. Lane
Subscribed and sworn to before me this February 5, 1907.

Charles G. Chapman
Notary Public.

C.F.B. Cherokee 1471

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Breedlove as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muldrow, Indian Territory, August 15, 1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of John W. Breedlove as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 9, 1902, December 10, 1902, and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John W. Breedlove, was married in accordance with Cherokee law, in September 1875, to his wife, Carrie W. Breedlove, who was at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Sequoyah District, No. 216, as a native Cherokee, and whose name appears on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 4006. It is further shown that since said marriage the said John W. and Carrie W. Breedlove have resided together as husband and wife and continuously lived in the Cherokee Nation until the death of the said John W. Breedlove, which occurred in 1904. Said applicant is duly identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John W. Breedlove, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 8 1907

Cherokee 1471

Muskogee, Indian Territory, December 6, 1902.

John W. Breedlove,

Muldrow, Indian Territory.

Dear Sir:-

You are hereby notified that the testimony given before the Commission on October 9, 1902, by James W. Breedlove, relative to your right to enrollment, on September 1, 1902, as a citizen by intermarriage of the Cherokee Nation, is not considered sufficient by the Commission, and before your application for enrollment will be complete, it will be necessary for you to appear in person and give further testimony in your case.

Respectfully,

Acting Chairman.

Cherokee
1471

Muskogee, Indian Territory, December 27, 1906.

Carrie W. Breedlove,

Muldrew, Indian territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your deceased husband's right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of his marriage and whether or not his wife, by reason of his marriage to whom he claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of his marriage to her, and whether or not he was married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

J.M.H.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

LAND
7538-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 19, 1907, relative to the placing of the names of certain white intermarried citizens, who are entitled to enrollment under the decision of the United States Supreme Court in the case of Daniel Red Bird, et al. vs. The United States, on a separate roll with a separate series of numbers.

On January 19, 1907, the Office forwarded to the Department the Commissioner's report in the matter of the applications for enrollment as intermarried Cherokee citizens of Queen Watkins, et al. and John L. Bates, et al., and recommended that their applications be denied in accordance with Commissioner Bixby's decision.

The Commissioner reports that the names of 1143 applicants for enrollment as citizens by intermarriage of the Cherokee Nation appear on the approved partial roll of Cherokee citizens; and that all of these persons were embraced in the decisions forwarded to the Department on January 19, 1907, except the following 192 ap-

plicants, whose names appear on the roll opposite the numbers following their respective names:

George W. Scott	22178	Joel Kelly	22468
George W. Elliott	22181	Jane Crittenden	22501
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Solon James	22217	Samuel L. Johnson	22550
Roxie L. Freeman	22234	James M. Cloud	22551
Thomas D. Chatham	22254	Ellen E. Morris	22553
John W. Chandler	22256	Anna E. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22306	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Bean	22611
Francis M. Conner	22313	Rebecca M. Bigbey	22622
John J. Smith	22315	Solon H. Roberts	22648
Lee B. Smith	22326	Demaris Goss	22654
Louis L. Duckworth	22334	Jane Rider	22655
William Crowder	22353	John R. Allison	22665
William R. Quarles	22390	Sarah L. Price	22682
Emily L. Brown	22428	John W. Johnson	22683
John F.M.Christie	22429	John W. Goss	22688
John Scott	22433	Talitha J. Adair	22692

Nancy Welch	22434	Gaines C. Smith	22716
John D. Smith	22436	Argyle Quessenbury	22723
George Bradley	22724	Rebecca Hood	23172
Emma C. Wheeler	22733	Pyrena Harris	23183
Missouri I. Ross	22773	John H. Biffert	23190
Polly Henson	22827	Nancy H. McAllister	23191
Lizzie Lee	22846	George W. Williams	23204
James K. Pemberton	22883	John Robinson, Sr.	23206
John W. Bresdlove	22946	Emeline Weaver	23241
Simeon Eldridge	22970	Ella E. Fields	23242
Florian H. Nash	22973	Adeline Ratlinggourd	23260
Stephen N. Carlile	22979	Martha Kelley	23273
Jerry H. Vestal	22995	Marvy Lindsy	23285
Solomon Bragg	23024	Daniel Harmon	23292
Thomas J. Ayers	23025	Martha Harris	23302
Nancy Cordray	23036	Clement Hayden	23344
Charles E. Willey	23038	John H. Baugh	23361
French Miller	23041	Mary A. Raper	23384
John F. Vanhoy	23042	David G. Thompson	23401
Edwin Wren	23045	Riley W. Lindsey	23414
Patrick Foley	23065	Meleenna Bibles	23443
William Winton	23078	Albert G. Gass	23514
William Jackson	23100	Cynthia A. Fields	23538
Sarah E. McDonald	23107	John C. Hogan	23543

Charles Bray	23116	George W. Williams	23615
Louisa J. Kloan	23144	Tredwell S. Dunson	23622
Daniel Young	23166	Samuel C. Glenn	23625
Matilda Sturdivant	23627	Louisa J. Trott	24057
Sarah E. Cheek	23628	John T. Scott	24064
Stacy E. Perry	23632	Martha L. Knight	24074
Addie Choutsau	23687	Margaret M. Woodall	24116
Nancy E. Rogers	23698	John T. Brackett	24122
Daniel K. Wetzel	23710	John Swain	24124
Jesse A. Thomas	23724	Thomas Howie	24148
Gabel Conner	23725	Caroline E. Fields	24170
Martha A. Miller	23733	Robert K. Nix	24195
Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trout	23781	Lucinda J. Craig	24245
Eliza F. Ward	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jiney J. England	23818	John A. Brown	24265
Helen R. Duncan	23861	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Taylor	23879	Huff D. Coats	24309
Frank Skinner	23903	Naoma A. Kloan	24326
Lewis Moore	23907	Michal Mulcare	24329

Minnie Tayler	23812	Mary C. Nathan	24322
Edward E. Vroyney	23931	William H. Hetzlough	[illegible]
James G. Hall	[illegible]	George H. Armstrong	[illegible]
Burgess G. Chandler	[illegible]	Margaret Fields	[illegible]
William H. Newell	24321	Alexander H. Anderson	[illegible]
Marion Haldeman	24408	Charles H. Bowers	24449
John F. Caldwell	24417	Christopher C. Lowther	[illegible]
Garrett G. James	24422	Alfred Foyil	24461
William H. Brown	24468	Elizabeth H. Coker	24468
Peter Smith	24496	John V. Holland	[illegible]
Almyra V. Tyner	24504	Joseph A. Banks	24741
Andrew E. Norwood	24527	Murdoch McLeod	24744
Jacob H. Bartles	24528	Joseph Hallows	24781
Amanda M. Keys	24537	William Ery	24794
James M. Chaney	24553	Isaac F. Newell	24801
Mary E. Bible	24560	Charles H. Franks	24808
James Thornbrugh	24561	Charles H. Bacon	24810
Kelland L. Farrish	24573	Greenville P. Hefflefinger	24869
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24884
James G. Mehlin	24600	John H. Baker	24918
Rufus M. Allen	24606	Marion V. Gough	24926
Alfred M. Gott	24608	Edward Byrd	24941
Micajah E. Phillips	24624	John T. Hodgenkiss	25003
William H. McInally	24629	Amanda Beck	25004

D. H. Flournoy 24437 John P. Drake [illegible]

The Commissioner says that all these persons are differently classified from those enumerated in the decisions previously forwarded to the Department, and a separate decision will be rendered in each case.

The Supreme Court of the United States, in its decision in the Daniel Red Bird case, held that white persons who intermarried with citizens by blood of the Cherokee Nation in accordance with Cherokee law, prior to November 1, 1876, are entitled to enrollment and have equal per capita rights with Cherokee Indians by blood in the lands constituting the public domain of the Cherokee Nation, and are entitled to be enrolled for that purpose, but such intermarried whites acquired no rights and have no interest or share in any funds belonging to the Cherokee Nation except where such funds were derived by lease, sale or otherwise, from the lands of the Cherokee Nation conveyed to it by the United States by the patent of December 1838.

Under this decision, therefore, intermarried white persons entitled to enrollment as citizens of the Cherokee Nation have a different status from all other Cherokee citizens, and in order to avoid confusion and simplify the matter of the enrollment of such citizens, the Commissioner recommends that the names of all the applicants herein named be stricken from the approved partial roll of Cherokee citizens retained in the Department and in this

Office, and that he be authorized to take similar action on the copies of the roll in the possession of his office.

In the opinion of the Office this action will avoid confusion in the future, and it is recommended that this Office and the Commissioner be authorized to take the action suggested by him.

Very respectfully,

(Signed) C. F. Larrabee,

AJW-EH. Acting Commissioner.

D.C.8779-1907.

J.F Jr.

DEPARTMENT OF THE INTERIOR, LIB.

WASHINGTON.

DRAFT.

I.T.D.2444-1907.
LRS.

February 9, 1907.

SPECIAL.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 8, 1907 (Land 7838), the Indian Office transmitted your report dated January 19, 1907, in the matter of certain persons who are enrolled as citizens by intermarriage of the Cherokee Nation.

You refer to the decision of the United States Supreme Court in the case of Daniel Red Bird et al. vs. the United States (203 U. S., 76), and state that in accordance with said decision you have recommended that the names of 1,143 applicants, by reason of intermarriage, should be stricken from the partial roll of Cherokee citizens.

Your recommendation with regard to these persons was approved by the Department on January 24, 1907.

You now transmit the names of 193 persons who are entitled to certain rights in the Cherokee Nation by reason of intermarriages which took place with citizens by blood of the Cherokee Nation in accordance with Cherokee laws prior to November 1, 1875, and who by reason of said marriages are entitled to

certain rights in and arising from the lands of the Cherokee Nation.

In view of the different status of these persons you state that you intend to render a separate decision in each case.

To avoid confusion you recommend that authority be granted for striking the names of the 193 persons named from the approved partial roll of the Cherokee Nation, and that those of the persons named who may be found hereafter entitled to enrollment shall be placed upon separate schedules under a new series of numbers.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

You are advised that the Department has this day stricken the names of the following persons, which appear opposite the numbers after their names, from the approved partial roll of Cherokee citizens in its possession:

George W. Scott,	22173	Joel Kelly	22466
George W. Elliott	22181	Jane Crittenden	22461
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22218	Franklin Andrews	22548
Solon Jones	22217	Samuel L. Johnson	22550
Marie L. Freeman	22234	James M. Cloud	22551
		Ellen E. Morris	22553
John W. Chandler	22256	Anna E. Bunnenberg	22554
Anna Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Bunnenberg	22564
James C. Yeargain	22304	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Boom	22611

Francis M. Gessner	22313
John J. Smith	22318
Lee R. Smith	22326
Louis L. Duckworth	22334
William Gressler	22353
William R. Quarles	22390
Emily E. Brown	22428
John F. M. Christie	22429
John Scott	22433
Nancy Veleh	22434
John D. Smith	22436
George Bradley	22724
Hunn G. Wheeler	22733
Missouri I. Ross	22773
Polly Nenson	22827
Lizzie Lee	22846
James K. Pemberton	22883
John W. Breedlove	22946
Simeon Eldridge	22970
Florian H. Nash	22973
Stephen N. Carlile	22979
Jerry M. Vestal	22995
Solomon Bragg	23024
Thomas J. Ayers	23025
Nancy Gordray	23036
Charles E. Willey	23038
French Miller	23041
John F. Vanhey	23042
Edwin Wren	23048
Patrick Foley	23065
William Winton	23076
William Jackson	23100
Sarah E. McDonald	23107
Charles Bray	23118
Louisa J. Sloan	23144
Daniel Young	23146
Matilda Sturdivant	23627
Sarah B. Cheek	23628
Stacy E. Perry	23632
Addie Cheatham	23687
Nancy E. Rogers	23696
Daniel K. Wetzel	23710
Jesse A. Thomas	23724
Gabel Gessner (Galeb)	23728
Martha A. Miller	23733

Rebecca M. Bigbey	23622
Helen E. Roberts	23648
Demaris Goss	23654
Jane Rider	23655
John R. Allison	23665
Sarah L. Price	23682
John W. Johnson	23683
John W. Gebe	23685
Talitha J. Adair	23692
Guinee C. Smith	23716
Argyle Quesenbury	23723
Rebecca Reed	23172
Pyrena Harris	23183
John E. Biffert	23190
Nancy E. McAllister	23191
George W. Williams	23204
John Robinson, Sr.	23206
Emeline Weaver	23241
Ella E. Fields	23242
Martha Kelley	23273
Harvy Lindsy	23286
Daniel Harmon	23292
Martha Harris	23302
Clement Hayden	23344
John H. Baugh	23361
Mary A. Raper	23384
David S. Thompson	23401
Riley W. Lindsey	23414
Melessna Bibles	23443
Albert S. Goss	23514
Cynthia A. Fields	23538
John C. Hogan	23543
George W. Williams	23615
Tredwell S. Hannon	23622
Samuel C. Sloan	23625
Louisa J. Trett	24057
John T. Scott	24064
Martha L. Knight	24074
Margaret M. Woodall	24116
John T. Brackett	24122
John Swain	24124
Thomas Hewie	24146
Caroline E. Fields	24176
Robert K. Nix	24198

Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary E. Tittle	24241
Sarah A. Trent	23781	Lucinda J. Craig	24245
Eliza F. Ward	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jincy J. England	23814	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24298
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Taylor	23879	Huff D. Coats	24309
Frank Skinner	23903	Naoma A. Sleem	24326
Lewis Moore	23907	Michal Mulcare	24329
Elizada Tayler	23912	Mary C. McGhee	24338
Edward B. Frayser	23931	Milton N. McCullough	24342
James O. Hall	23932	George A. Armstrong	24348
Burgess G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander M. Anderson	24399
Marion Holderman	24406	Charles M. Beavers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett O. James	24422	Alfred Foyil	24661
William H. Brown	24455	Elizabeth E. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Denbo	24741
Andrew M. Norwood	24527	Murdoch McLeod	24746
Jacob H. Bartlee	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P. Howell	24801
Mary E. Bible	24560	Charles M. Franks	24805
James Thornbrugh	24561	Charles H. Bacon	24810
Holland L. Parrish	24573	Greenville P. Hefflefinger	24860
James Martin	24591	George Gutherland	24877
Charlotte Coker	24594	Ada G. Foreman	24886
James G. Mahlin	24600	John H. Baker	24918
Rufus M. Allen	24605	Marion W. Gerch	24926
Alfred M. Gett	24608	Edward Byrd	24961
Micajah H. Phillips	24626	John T. McSpadden	25003
William H. McAnally	24629	Amanda Beck	25004
D. K. Flournoy	24637	John P. Drake	25006

The Indian Office has been requested to take similar action upon the rolls retained by it, and you are authorized to cancel said names from the rolls in your possession.

Your attention is called to the fact that authority was granted on January 26, 1907, for the cancellation of the name of Thomas B. Chatham, opposite No. 22254, and of Adeline Ballinggeard, opposite No. 22260, which you now again recommend for cancellation. Apparent typographical errors in the roll numbers have been corrected in three instances.

You are instructed to prepare and transmit for departmental action new schedules, with a new series of numbers, containing the names of those persons who may be found to be entitled to enrollment.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

A. J. M.
2-18-07.

Cherokee 1471

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of John W. Breedlove as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-1
JMH

Cherokee 1471

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John W. Breedlove as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 1471

Muskogee, Indian Territory, February 8, 1907.

Carrie W. Breedlove,

Baldrew, Indian territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 5, 1907, granting the application for the enrollment, as a citizen by intermarriage of the Cherokee Nation, of your deceased husband, John W. Breedlove.

You will be advised when the name of your said husband has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl. H-8
JMH

Commissioner.

Cherokee
I.W.167.

Muskogee, Indian Territory, April 16, 1907.

Carrie W. Breedlove,

Muldrew, Indian Territory.

Dear Madam:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.W-7.
S.W

Commissioner.

Cher IW 168

Cher IW 168

6.64.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

HARVY LINDSY

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 2250.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 30, 1900.

In the matter of the application of Harvey Lindsay for the enrollment of himself as a Cherokee by intermarriage and his wife as a Cherokee by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Harvey Lindsay.
Q What is your age? A 75.
Q What is your post office address? Z Texana, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q By blood? A No, sir, by adoption.
Q Who do you want to enroll? A Well, myself and my wife is all.
Q What district do you live in? A Canadian.
Q How long have you been a resident of the Cherokee Nation? A I came here in the fall of 1869, but I was married January 1, 1873.
Q Have you been living here ever since? A Yes, sir.
Q Your father and mother non citizens? A Yes, sir, non citizens.
Q What is the name of your wife? A Elizabeth Janex.
Q What is the name of her father? A I don't know.
Q What is the name of her mother? A Margaret Eiffert.
Q She living? A Yes, sir.
Q What is your wife's age? A She is about 65.
Q Has she lived in the Cherokee Nation continuously for the last ten or fifteen years? A Yes, sir.
(On 1880 roll, page 32, No. 862, Harry Lindsay, Canadian district. Elizabeth Jane Lindsat on 1880 roll, page 32, No. 863, Bettie Lindsay Canadian district. Harvey Lindsay on 1896 roll, page 89, No. 161, Harvey Lindsay, Canadian district. Elizabeth Jane Lindsay on 1896 roll, page 44, No. 1194, Bettie J. Lindsay, Canadian district.)

The name of Harvey Lindsay appears upon the authenticated roll of 1880 as Harry Lindsay and upon the census roll of 1896 as Harvey Lindsay, and the name of his wife appears upon the authenticated roll of 1880 as Bettie Lindsay and upon the census roll of 1896 as Bettie J. Lindsay. They being fully identified according to page and number of the roll as indicated in the testimony and having made satisfactory proof as to their residence, said Harvey Linsday and his wife, Elizabeth Jane, will be duly listed for enrollment by this Commission, he as a Cherokee citizen by intermarriage and she as a Cherokee citizen by blood.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 6th day of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1908
50

Cherokee 2250.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 26, 1902.

In the matter of the application of Harvy Lindsey for the enrollment of himself as a citizen by intermarriage and for the enrollment of his wife, Elizabeth J. Lindsy, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

HARVY LINDSY, being sworn, testified as follows:

By the Commission,

Q What is your name, please? A Harvy Linds (e) y.
Q What is your age at this time? A I was seventy-seven the 16th day of July.
Q What's your postoffice? A Texanna.
Q Are you the same Harvey Lindsey that made application for enrollment as an intermarried citizen in August, 1900? A No, sir? Done what?
Q Are you the same Harvy Lindsey that made application for enrollment as an intermarried citizen in August, 1900? Two years ago last August? A I don't remember, I was enrolled here way back about '80, somewhere.
Q Have you ever made application to this Commission for enrollment as an intermarried citizen? A No, sir.
Q Never been before them? A No, sir.
Q Who made the application for you? A What?
Q For enrollment to this Commission? A I don't remember now.
Q Has your wife ever made application for enrollment to this Commission? A I did not know I had to make no application before I come here.
Q Somebody come here before the Commission in 1900 and made application for enrollment of Harvy Lindsey as a citizen by intermarriage, whose age at the time was given as seventy five years old, and for his wife, Elizabeth J., as a citizen by blood. A What's the name of the wife?
Q Elizabeth J. A That's my wife's name.
Q Is that the name of your wife? A I never made no application.
Q Is that the name of your wife? A Harvy is my name and hers Elizabeth J.
Q And her age was given as sixty-five. A That ain't her age, sixty-nine.
Q Somebody evidently made application for you, didn't they? A I never made any.
Q Do you want to make application now? A Yes, sir.
Q Doctor, you have been sick a good deal in the last year?
A No, I had a touch of paralysis about two months ago, but I am getting pretty well over that.
Q Getting pretty well over it? A Yes, sir, it is in the left side here.
Q What is your postoffice, two years ago? A Texanna.
Q Well, you're an applicant for enrollment as an intermarried citizen now, are you? A Yes, sir, my wife was a Cherokee.
Q What's your wife's name? A Elizabeth Jane, we call her Bettie Jane.
Q Is she living now? A Yes, sir.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, sir.

Q When were you married to her? A I was married the first day of January, '73.
Q '73? A Yes, sir.
Q Are you on the '80 roll with her? A I guess so, I was on the first roll made.
Q Were you ever married before you married her? A Yes, sir/
Q How many times had you been married before you married her?
A I was married twice before.
Q Both of your wives dead? A Yes, sir.
Q Was Elizabeth Jane ever married before her marriage to you?
A Yes, sir.
Q How many times? A Once.
Q Where? A In California, her husband was dead.
Q Have you and your wife, Elizabeth, lived together since '80 up to the present time? A Yes, sir.
Q Never been separated? A Not at all.
Q And you were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you and your wife lived in the Cherokee Nation all the time since '80 up to the present time? A Yes, sir, we have.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 28th day of November, 1902.

[illegible]
Notary Public.

Cherokee 2250.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 3, 1907.

In the Matter of the Application for the Enrollment of Harvey Lindsey as a citizen by intermarriage of the Cherokee Nation.

Harvey Lindsey being first duly sworn by B. P. Ramms, Notary Public, testified as follows:

Q What is your name? A Harvey Lindsey.
Q What is your age?
A I was 81 years old the 16th day of last July.
Q What is your post office address?
A Texana, Indian Territory.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yessir.
Q You have no Cherokee blood?
A No sir.
Q The only right you have to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Cherokee Nation?
A Yes sir.
Q What is the name of the citizen through whom you claim the right to enrollment?
A Bettie Jane McCarty; her maiden name was Hanks.
Q When were you married to her?
A 1st day of January, 1873.
Q Were you ever married prior to your marriage to her?
A Yes sir.
Q Was your former wife living or dead at the time?
A Dead.
Q Was she married prior to her marriage to you?
A No sir, my first wife wasn't.
Q When did you marry your first wife?
A In 1851.
Q What was her name?
A Martha Cowsar.
Q Was she a Cherokee by blood?
A No, she was a white woman.
Q You claim the right to enrollment through your second wife?
A Yes sir.
Q And what was the date of your marriage to her?
A 1st day of January, 1873.
Q She had been married prior to her marriage to you, hadshe?
A Yes sir.
Q Was her former husband living or dead?
A Dead.
Q And your former wife was dead at the time you married your second wife?
A Yes sir; had been a good many years.
Q Is your second wife living at the present time?
A Yes sir.
Q Since your marriage to your second wife, have you and she continuously lived together as husband and wife?
A We have.
Q And lived in the Cherokee Nation, have you?
A Yes sir.
Q Have you any evidence shewing the marriage of yourself to

your second wife?

A Yessir.

Q Did you secure a license at that ime you married your second wife?

A I did.

Q Have you that license with you?

A No sir; I don't know where it is now.

Q You secured a license in accordance with the laws of the Cherokee Nation, did you?

A Yes sir; I did.

Q Your wife, Elizabeth J. Lindsey was a recognized citizen by blood of the Cherokee Nation at the time you married her, was she?

A Yes sir.

Q In what district did you secure the license to marry your second wife?

A It was down at Webber's Falls; Canadian District.

Q How many signers did you have to have?

A I don't recollect now.

Q You got the license though in accordance with the Cherokee laws?

A Yes sir; I did.

Q You present here a certificate of marriage showing that on the 1st day of January, 1873, one Dr. Harvey Lindsey was married to Bettie J. McCarty by Samuel Taylor. Are you the identical person mentioned in this marriage certificate as Harvey Lindsey?

A I am.

Q And your wife, Elizabeth J. Lindsey, is the identical person mentioned in this marriage certificate as Bettie J. McCarty?

A Yes sir.

The applicant Harvey Lindsey is identified on the Cherokee authenticated Tribal Roll of 1880, Canadian District, No. 862. His wife, Elizabeth J. Lindsey, to whom he was married in 1873 is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 5842.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Sworn to and subscribed to before me this the 4th day of January, 1907.

D. P. Rennie

Notary Public.

(COPY)

THIS CERTIFIES THAT Dr. Harvy Lindsey & Bettie J. McCarty were solemnly united by me in the HOLY BOND OF MATRIMONY at Webbers Falls Ind. Ter. on the 1st day of January day of January in the year of our Lord One Thousand Eight Hundred and seventy three conformably to the Ordinance of God and the laws of the State.

In Presence of Their families and friends

Signed

(Signed) Samuel Taylor.

"Love One Another"

Homer J. Councilor being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes he made the above and foregoing from the original thereof and that the same is a true and correct copy.

Homer J. Councilor

Subscribed and sworn to before me this 1st day of February 1907.

Chas E. Webster
Notary Public.

(COPY)

Office Clerk of the Dist. Court,
Canadian District C.N.
January 1st 1873.

To any Ordained Minister of the Gospel or any Acting Judge of the Cherokee Nation.

You are hereby authorized to solemnize the rites of matrimony between Dr H. Lindsey a whiteman a Citizen of the United States, and Mrs. E. J. McCartey a Cherokee Citizen he having fully complied with the law regulating intermarriage between white man and Cherokee woman.

The Oath has been administered as the law directs.

Given under my hand Officially day and date above written.

(Signed) J. L. McCorkle Clerk Dist Court Can. Dist C. N.

The Rights of Matrimony solemnized between the within named parties by me on the 1st day Jan 1873.

Saml U. Taylor,
Judge C. Court Can Dist.

Homer J. Councilor being frist duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes he made the above and foregoing from the original thereof and that the same is true and correct.

Homer J. Councilor

Subscribed and sworn to before me this 1st day of February 1908.

Chas E Webster
Notary Public.

C.E.W..

Cherokee 2250.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harvy Lindsy as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 30, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Harvy Lindsy as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 25, 1902, and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Harvy Lindsy, a white man was married in accordance with Cherokee law January 1, 1873, to one Elizabeth J. Lindsy, formerly McCarty, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation , who is identified upon the Cherokee authenticated tribal roll of 1880, Canadian District, page 32, No. 863, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 5842. It is further shown that from the time of said marriage the said Harvy Lindsy and Elizabeth J. Lindsy resided together as husband and wife and lived continuously in the Cherokee Nation up to and including September 1, 1902, Said applicant is identified upon the Cherokee authenticated tribal roll of 1880 and the Cherokee Census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128 the said applicant, Harvy Lindsy, is entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 11 1907

Cherokee 2250

Muskogee, Indian Territory, February 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, granting the application for the enrollment of Harvy Lindsy as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.E-33
JMH

Commissioner.

Cherokee 2250

Muskogee, Indian Territory, February 11, 1907.

The Commissioner to the Five Civilized tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Harvy Lindsy as a citizen by intermarriage of the Cherokee Nation, Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Encl.E-34
JMK

Commissioner.

Muskogee, Indian Territory, February 11, 1907.

Harvy Lindsy,

Texana, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.E-34
JMK

Commissioner.

Cherokee

I.W.168.

Muskogee, Indian Territory, April 16, 1907.

Harvy W. Lindsy,

Nowata, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.2-6.
S.W.

Commissioner.

Cher IW 169

Cher IW 169

1 6 E H

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

GEORGE W. WILLIAMS

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE 2832.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPT/ 17., 1900.

In the matter of the application of George W. Williams for enrollment ~~xx xxxx~~ of himself, wife and five children, as citizens of the Cherokee Nation, said Williams being sworn, ~~xxxx~~ by Commissioner Breckinridge, testified as follows:

Q What is your full name? A George W. Williams.
Q Your age? A 56.
Q Your postoffice? A Afton.
Q In what district do you live? A Delaware.
Q Whom do you want to have put on the rolls? A Myself, wife and five children.
Q These children are all unmarried and living at home? A Yes.
Q Do you apply for yourself as a Cherokee by blood? A No sir, white man.
Q Your wife is a Cherokee? A A yes.
Q Have you your marriage license and certificate? A No sir, I have not; I am on the '80 roll.
Q When were you married? A In '70, to my present wife.
Q What district were you in in '80? A Delaware.
Q Also in '96? A yes.
Q Is your wife that you married in '70 still living and living with you? A Yes.
Q Lived with her all the time in the Cherokee Nation? A Yes.
Q Give me name of your father please? A John D. Williams.
Q White man? A yes.
Q Dead or alive? A Dead.
Q What was the name of your mother? A Narcissa.
Q Is she dead? A yes.
Q Was she a white woman? A yes.
Q Give me, please, your wife's present name? A Malinda N.,
Q How old is she? A About 48.
Q What is your father's name? A John Countryman.
Q Cherokee or white man? A White man.
Q Dead or alive? A Dead.
Q How long has he been dead? A Died during the war.
Q What is her mother,s given name? A Patsy.
Q Cherokee? A yes.
Q Dead or alive? A Dead.
Q How long has she been dead? A Died just after the war.
Q Give me names, please, of your five children under age? A Mattie L., 18 years old.
On '96 roll, page 551, number 3375.
Q Next? A Allie B., 14 years old.
On '96 roll, page 551, number 3376, as Ally.
Q Next? A Andrew W.M., 12 years old.
On '96 roll, page 551, number 3377, as Watie M.
Q Next? A Charlotte C., 10 years old.
On '96 roll, page 551, number 3378.
Q Next? A Arthur R., 8 years old.
On '96 roll, page 551, number 3379, as Auther.
Applicant on '80 roll, page 333, number 2816, as Geroge.
Applicant on '96 roll, page 594, number 607.
Applicant,s wife on '80 roll, page 333, number 2817, as Malind
On '96 roll, page 551, number 3373, as Nancy M. Williams.
Q What proportion of Cherokee blood has your wife? A About 1/16.
Q These children are all alive now? A yes.

The applicant applies for the enrollment of himself, his wife, and five minor children. He is identified on the rolls of '80 and '96 as a Cherokee by adoption. He and his Cherokee wife have lived together in the Cherokee Nation ever since their enrollment in '80, and he will be listed now for enrollment as a Cherokee citizen by adoption. His

wife is identified on the '80 and '96 rolls as a native Cherokee. She has lived in the Cherokee Nation since her enrollment in '80 and she will be listed now for enrollment as a Cherokee by blood. Their five children enumerated in the testimony are identified with their parents in '96; they are all alive at this time, and will be listed for enrollment as Cherokees by blood.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B McDonald

Subscribed and sworn to before me this 19th day of September, 1900.

C W Breckinridge

Commissioner.

2832

~~2832~~

a

DEPA[illegible]
COMMISSIO[illegible]
FILED
SEP 20 1900

[illegible]ING CHAIRMAN.

Cherokee 2832.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 7, 1902.

In the matter of the application of George W. Williams for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Malinda N. and children, Mattie L., Allie B., Andrew W. M., Charlotte C. and Arthur R. Williams, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A George W. Williams.
Q What is your age at this time? A Fifty-eight.
Q What is your postoffice? A Afton.
Q Are you the same George W. Williams that made application to this Commission for enrollment as an intermarried citizen on September 27, 1900? A I don't remember the day, but I made application for enrollment before the Commission.
Q It was in September, 1900, was it? A It was either in September or October; it was at Vihita I know.
Q What is your wife's name? A Malinda N.
Q Is she living at this time? A Yes sir.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, said to be.
Q When were you and she married? A We were married in September, '67 I believe.
Q Where? A In Delaware District.
Q Cherokee Nation? A Yes sir.
Q Were you ever married before you were married to this woman? A Yes sir.
Q How many times before? A Once.
Q Was your first wife a Cherokee or white woman? A A White woman.
Q Was she living or dead when you married Malinda? A Dead.
Q Had your wife, Malinda, ever been married prior to her marriage to you? A No sir.
Q You her first husband? A Yes sir.
Q She is your second wife? A Yes sir.
Q You and she married under Cherokee license, according to Cherokee law? A Yes sir.
Q Have you and your wife Malinda, lived together as husband and wife continuously from the time you were married up until the present time? A Yes sir.
Q Never been separated? A No sir.
Q And you have never been married to any other woman since your marriage to Malinda? A No sir.
Q Have you and she lived together as husband and wife on the first day of September, 1902? A Yes sir.
Q Have you and your wife lived in the Cherokee Nation all the time since 1880 up to the present time? A Yes sir, in Delaware District.
Q These children, Mattie L., Allie B., Andrew W. M., Charlotte C. and Arthur R., your children by your wife, Malinda? A Yes sir.
Q Are these children still living at this time? A They are.
Q Have they lived in the Cherokee Nation from the time of their birth up until the present time? A Yes sir.
Q They never lived outside of the nation? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 28th day of October, 1902.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 30 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 7, 1902.

In the matter of the application of George W. Williams for the enrollment of his wife, Malinda N. Williams, and for the enrollment of his wife, Malinda N. and children, Willie B., Andrew W., Minnie R., and Arthur H., Cherokee Nation, by virtue of the intermarriage of the father, George W. Williams, a citizen by blood of the Cherokee Nation, before the Commission to the Five Civilized Tribes.

Q What is your name? A George W. Williams.
Q What is your age at this time? A Fifty-eight.
Q What is your postoffice? A Afton.
Q Are you the same George W. Williams that made application to this Commission for enrollment as an intermarried citizen on September 27, 1902? A I don't remember the day, but I made application for enrollment before the Commission.
Q It was in September, 1902, was it? A It was either in September or October; it was at Vinita I know.
Q What is your wife's name? A Malinda N.
Q Is she living at this time? A Yes sir.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, said to be.
Q When were you and she married? A We were married in September, '97 I believe.
Q Where? A In Delaware District.
Q Cherokee Nation? A Yes sir.
Q Were you ever married before you were married to this woman? A Yes sir.
Q How many times before? A Once.
Q Was your first wife a Cherokee or white woman? A A white woman.
Q Was she living or dead when you married Malinda? A Dead.
Q Had your wife, Malinda, ever been married prior to her marriage to you? A No sir.
Q You her first husband? A Yes sir.
Q She is your second wife? A Yes sir.
Q You and she married under Cherokee license, according to Cherokee law? A Yes sir.
Q Have you and your wife Malinda, lived together as husband and wife continuously from the time you were married up until the present time? A Yes sir.
Q Never been separated? A No sir.
Q And you have never been married to any other woman since your marriage to Malinda? A No sir.
Q Have you and she lived together as husband and wife on the first day of September, 1902? A Yes sir.
Q Have you and your wife lived in the Cherokee Nation all the time since 1880 up to the present time? A Yes sir, in Delaware District.
Q Have children, Willie I., Willie B., Andrew W., Minnie R. and Arthur H., your children by your wife, Malinda? A Yes sir.
Q Are these children all living at this time? A They are.
Q Have they lived in the Cherokee Nation from the time of their birth up until the present time? A Yes sir.
Q They never lived outside of the nation? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

_____

Subscribed and sworn to before me this 28th day of October, 1902.

_____
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, February 23, 1905.

In the matter of the allotment of land to Mattie L. Stoaks (nee Williams) Cherokee Card No. 2832, Approved Roll No. 7104.

Martin L. Stoaks, husband and intermarried citizen, Cherokee Card D 28, being sworn as a witness, testified as follows:

Examination by the Commission:
Q What is your name? A Martin L. Stoaks.
Q About how old are you? A 34
Q What is the name of your father? A James R. Stoaks
Q The name of your mother? A Elizabeth Stoaks
Q What is your post office? A Afton, Indian Territory.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Mattie L. Stoaks
Q What was her name before you married her? A Mattie L. Williams.
Q What is the name of her father? A George W. Williams
Q What is the name of her mother? A Mallie Williams
Q When and where were you married to your wife? A At Afton, I. T.
Q What day, month and year? A On the second day of June, 1901.
Q Were you married under United States License? A Yes sir.
Q Are you and your wife living together at this time? A Yes sir.
Q Do you desire to designate lands for allotment for her today?
A Yes sir.
Q Are said lands suitable for an allotment? A Yes sir.
Q Are there any improvements on the land? A Yes sir.
Q Is it your home place? A Yes sir.
Q State the reasons why your wife does not make personal appearance and selection. A One reason, she went to Tahlequah and stayed a week and could not file and we found out that I could file for her by getting power of attorney and mother has not been very well so she stayed with her.
Q On account of your mother being ill she stayed at home with her?
A Yes sir.
Q Have you power of attorney from your wife? A Yes sir.

Applicant offers Power of Attorney executed by Mattie L. Stoaks dated February 16, 1905, appointing Mattie L. Stoaks her attorney for the purpose of selecting her allotment in the Cherokee Nation.

(WITNESS EXCUSED).

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Subscribed and sworn to before me this the 23rd day of February, 1905.

[signature]

Notary Public.

FILED
FEB 23 1905
COMMISSION TO FIVE TRIBES.

Cherokee 2832.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE? Ind. Ter., January 2, 1907.

In the matter of the application for the enrollment of George W. Williams as a citizen by intermarriage of the Cherokee Nation.

George W. William Being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A George W. Williams.
Q How old are you? A Sixty-two,
Q What is your postoffice address? A Afton, I. T.
Q You claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Through whom do you claim that right? A Malinda Ann Countryman.
Q When were you married to her? A The 28th day of September, 1870, I think.
Q Did you get a Cherokee tribal license? A Yes sir.
Q Have you got that license with you? A No sir.
Q Where is it? A Well, sir, I never did get it out of the office.
Q Who married you? A Eli Butler.
Q Did you present a petition to the Judge to get your license? A I did.
Q How many signers did you have on it? A I has forgotten what the law was--six or seven.
Q Were you ever married before you married Malinda A. Countryman? A Yes sir.
Q Who was your first wife? A She was a Thomas.
Q Was she a citizen or non-citizen? A Non-citizen.
Q Was she living at the time of your marriage to Malinda Ann Countryman? A No sir.
Q Was Malinda Ann Countryman ever married before her marriage to you? A No sir.
Q Have you lived together in the Cherokee Nation continuously, as husband and wife ever since your marriage in 1870? A Yes sir.
Q What district were you married in? A Delaware District.
Witness excused.

Frances R. Lane upon oath states that as stenographer to the commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the above and foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this January 4, 1907.

Edward Merrick
Notary Public.

Cherokee 2832

SUPPLEMENTAL STATEMENT of records.

An examination of Book 3 of the marriage records of the Cherokee Nation, Delaware District, in the back part, opposite No. 55, shows that a certificate was issued to George W. Williams, the applicant herein, to marry Malinda Countryman, on the 26th day of September, 1870, and the same was issued by T. J. McGhee, the Clerk of Delaware District, said certificate reading as follows: "This is to certify by me that George W. Williams, a white man was licens to marry Malinda Countryman, a female Cherokee, on the 26th day of September, 1870, and this licens executed and returned Sept. 26, 1870, being under according to act passd by national council being dated October 15, 1855, in regard to white men marrying ~~the~~ with this nation. T. J. McGhee, Clerk Delaware Dist., C. N."

C.E.W. Cherokee 2832.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE W. WILLIAMS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 17, 1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of George W. Williams, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 7, 1902, February 23, 1905 and January 2, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George W. Williams, a white man, was married in accordance with Cherokee law September 26, 1870, to one, Malinda N. Williams, nee Countryman, who was at the time of said marriage a citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, page 333, No. 2817, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 7103, It is further shown that from the time of said marriage the said George W. and Malinda N. Williams have resided together as husband and wife, and have continuously lived in the Cherokee Nation. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127, and 128 the said applicant, George W. Williams, is entitled under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stat., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 8 1907

Cherokee 2836

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of George W. Williams as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.N-15
JMH

Commissioner.

Cherokee 2832

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling George W. Williams as a citizen by intermarriage of the Cherokee Nation. Time for protesting the said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

M. J. Hartley

Attorney for Cherokee Nation.

Cherokee [illegible]

Muskogee, Indian Territory, February 8, 1907.

George W. Williams,
Atoka, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Encl.E-16
JMK

Commissioner.

Cher IW 170

Cher IW 170

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 17, 1906.

In the matter of the application of Stacy Elizabeth Perry for the enrollment of herself and children as a citizen of the Cherokee Nation; said Perry being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your full name? A Stacy Elizabeth Perry.
Q How old are you? A 46.
Q What is your post office? A Vinita.
Q In what district do you live? A Vinita now.
Q For whom do you apply for enrollment? A Myself and children.
Q How many children? A Four that are under age.
Q These four all alive at this time are they? A Yes, sir.
Q Do you apply for yourself as a Cherokee by blood? A No, sir.
Q As an adopted white? A Yes, sir.
Q When were you married? A In 1872.
Q Is your husband living now? A No, sir, dead.
Q What was his name? A Oliver V. Perry.
Q Cherokee or white man? A Cherokee.
Q How long since he died? A About a year.
Q Did you and he live together from the time of your marriage until his death? A Yes, sir.
Q And did you live all the time in the Cherokee Nation? A Yes, sir
Q You have never married since his death? A No, sir.
Q In what district were you enrolled in 1880? A Delaware.
Q What district were you enrolled in 1896? A Delaware.
Q You have made your home steadily in the Cherokee Nation since 1880? A Yes, sir.
Q Give me the name of your father? A H. G. Burson.
Q Is he dead or alive? A Dead.
Q The name of your mother? A Rebecca Burson.
Q Dead or alive? A Alive.
Q Now give me the names of these children, the four? A Earnest Burson Perry.
Q How old is that child? A 19
Q The next child? A Effie D.
Q How old is she? A 17.
Q The next child? A Myrtle.
Q How old is that child? A 13.
Q The next child? A Oliver H.
Q How old is he? A Ten.

J. L. RAUSH, Representative of the Cherokee Nation:

Q You said awhile ago your post office was at Vinita, where is your regular post office? A I live at Vinita now.
Q Where have you been living? A Delaware. We lived there 26 years, but I just moved over here to school our children.
Q You have not lived anywhere else except the Cherokee Nation? A No, sir.

1880 enrollment; page [illegible], [illegible], Eliza Perry, Delaware.
1896 enrollment; page [illegible], [illegible], Eliza A. Perry, "
1896 enrollment; page 217, [illegible], Earnest V. Perry, "
1896 enrollment; page 217, [illegible], Effie D. Perry, "
1896 enrollment; page 217, [illegible], Myrtle, Perry, "
1896 enrollment; page 217, [illegible], Oliver H. Perry, "

Stacy Eliza Perry---2.

Com'r Breckinridge:--The applicant applies for the enrollment of herself and four children. Her husband is dead. She is identified on the rolls of 1880 and 1896 as a Cherokee by adoption. She has never re-married since the death of her husband. She has lived in the Cherokee Nation ever since her enrollment in 1880 and she will be listed now for enrollment as a Cherokee by adoption. Her four children, enumerated in the testimony are identified with her on the roll of 1896. They are all living at this time, and they will be listed for enrollment as Cherokees by blood.

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J. O. Wesson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Wesson

Subscribed and sworn to before me this 19th day of September, 1900.

T.B. Needles
Commissioner

Endorsement

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 20, 1900
Tams Bixby, Acting Chairman.

Cherokee 3861.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of Stacy E. Perry for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Earnest B., Effie D., Myrtle and Oliver H. Perry, as citizens by blood of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Stacy E. Perry.
Q How old are you? A Forty-nine.
Q What is your postoffice? A Vinita.
Q Are you a white woman? A Yes sir.
Q Is your name on the roll of 1880 as an adopted white citizen? A Yes sir.
Q What was your husband's name in 1880? A Oliver B. Perry.
Q Is he living now? A No sir.
Q Is he the husband through whom you claim your citizenship? A Yes sir.
Q When did he die? A Four years ago.
Q Did you live with your husband in the Cherokee Nation from 1880 up until the time he died? A Yes sir.
Q Never were separated? A No sir.
Q How many children have you? A I have six.
Q Four living at home with you? A Yes sir, four with me.
Q You have had no deaths in your family in the past two and a half years? A No sir.
Q You are still a widow? A Yes sir.
Q Haven't married again? A No sir.
Q Has your home been in the Cherokee Nation since 1880? A Yes sir.
Q Haven't lived anywhere else have you? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 20th day of November, 1902.

B. O. Jones
Notary Public.

Copy

COMMISSION

[redacted]

[illegible]

Your husband is not living at this time? A No sir.
Was he alive? A Did he die?
Was the time of your removal to the Cherokee nation in 1878, with the death of Mr. Perry in 1877 or 1878, did you reside together as husband and wife and live in the Cherokee Nation continuously? A Yes sir.
Did husband remarried since his death? A No sir.
Was his reputation to live in the Cherokee Nation? A Yes sir.
Was there no disagreement existing during that marriage to change his name? A No sir. (Witness presents paper).

Witness presents certificate of Clerk of Gibson County, Georgia, showing marriage license issued to G. W. Perry and Ellen E. Brown on September 17, 1878, and that said pa Ellen were married on the same day by E. H. Mullen, a Minister of the Gospel.

The applicant is identified on the 1880 Roll, Delaware District, No. [illegible], as Ellen Perry, and on the Cherokee Census roll of 1896, Delaware District, page [illegible], No. [illegible], as Ellen E. Perry, as an intermarried citizen of the Cherokee nation. The applicant's husband, G. W. Perry is on the 1880 Roll, Delaware District, No. [illegible], page [illegible], as a native Cherokee, marked "dead."

Geo. E. Hensley, being first duly sworn, states that an interpreter in the Cherokee to the New Cherokee Orphan, he provided the proceedings had in the above entitled case, and that the claim and declaration is a true and correct translation of the interpretation which signed.

Geo. E. Hensley

Subscribed and sworn to before me this 21st day of January, 1907.

[illegible]
Notary Public.

Georgia
Catoosa County }

I J C Affe ordinary of said County. do hereby Certify that the forgoing page is a true Copy of the Record in my office, as appears of record in Book "A" page 178 of the marriage record.

Witness my hand and seal of office This 18th day of January 1907

J C Affe ordinary
and Ex Officio Clerk

MARRIAGE LICENSE,

STATE OF GEORGIA. COUNTY OF TO

TO ANY JUDGE, JUSTICE OF THE PEACE, OR MINISTER OF THE GOSPEL.

You are hereby authorized to join O V Perry and Eliza S Burson in the Holy State of Matrimony, according to the Constitution and Laws of this State and for so doing this shall be your License. And you are hereby required to return this License to me, with your Certificate hereon of the fact and date of the Marriage.

Given under my hand and seal this 17th day of September 1872 ~~[illegible]~~

J M Combs (L.S.)
Ordinary.

STATE OF GEORGIA CERTIFICATE. **CATOOSA COUNTY**

I Certify that O V Perry and Eliza S. Burson were joined in Matrimony by me this 17th day of September Eighteen ~~[illegible]~~ Hundred and Seventy two

Recorded 3 day of Jan 1873 ~~[illegible]~~

J M McGhee M G

J M Combs Ordinary.

FOOTE & DAVIES CO. ATLANTA

E C M

Cherokee 2861.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of STACY E. PERRY as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 17, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Stacy E. Perry as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 21, 1902 and January 30, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Stacy E. Perry, a white woman, married in the State of Georgia in 1872 one Oliver V. Perry, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District opposite No. 1962, as nonnative Cherokee marked "Dead"; that on December 16, 1870 the said Oliver V. Perry was admitted to citizenship by the National Council of the Cherokee Nation as one of the children of Susan J. Perry; that from the time of said marriage until the death of said Oliver V. Perry, which occurred in 1898, the said Oliver V. Perry and Stacy E. Perry resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Oliver V. Perry the said Stacy E. Perry has remained unmarried and continuously lived in the Cherokee Nation. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Stacy E. Perry, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 9 1907.

Copy

Cherokee 2861

Muskogee, Indian Territory, February 9, 1907

Stacy E. Perry,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 9, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Enc L-48 Commissioner.

MPI

E.
Cherokee 2661

Muskogee, Indian Territory, February 9, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 9, 1907, granting the application for the enrollment of Stacy E. Perry as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Enc I-49
EPI

Muskogee, Indian Territory, February 20, 1907

DIRECT

SPECIAL

The Honorable,

The Secretary of the Interior.

Sir:

February 13, 1907, the Commissioner transmitted a schedule of intermarried white citizens of the Cherokee Nation, Nos. 167 to 179, inclusive, found to be entitled to enrollment as Cherokee citizens. On said schedule, opposite No. 170, appears the name of Stacy E. Perry. February 9, 1907 the Commissioner rendered a decision holding that said Stacy E. Perry was married to a recognized citizen by blood of the Cherokee Nation, prior to November 1, 1875, and in accordance with the decision of the Supreme Court of the United States of November 5, 1906, in the case of Daniel Red Bird et al., vs. the United States, said applicant was entitled to enrollment as a citizen by intermarriage of the Cherokee Nation. A copy of the Commissioner's decision was furnished the attorney for the

Copy

Cherokee Nation and in a letter of February 9, 1907, addressed to the Commissioner, said attorney advised that he did not protest against the enrollment of this person as a citizen by intermarriage of the Cherokee Nation.

Stacy E. Perry claims the right to enrollment as a citizen of the Cherokee Nation by reason of her marriage in 1872, to one Oliver V. Perry, a Cherokee Indian by blood. The Commissioner found in his decision that said Oliver V. Perry was admitted to citizenship by the National Council of the Cherokee Nation, as one of the children of Susan J. Perry, on December 16, 1870.

The attorney for the Cherokee Nation has this day called the Commissioner's attention to the Docket of the Cherokee commission on citizenship known as the Chambers Court, in which is found a judgment of said Court admitting said Oliver V. Perry, as O. V. Perry, to citizenship in the Cherokee Nation, on June 20, 1879, the case being Number 290 on Page 132 of said Docket.

The applicant in testifying in this case on January 30, 1907, testified that she was married to Mr. Perry in Georgia, in 1872, that immediately after said marriage she and her husband removed from the State of Georgia to the

Cherokee Nation and that her husband was then admitted to citizenship, saying, "well he was admitted after he arrived here, admitted at once; part of the family was already here and had been admitted before we arrived." She also testified that her husband was a son of Susan J. Perry.

It would appear from the record evidence found since the applicant was placed upon the schedule, as already recited, that the applicant's husband was not admitted to citizenship immediately upon his arrival in the Cherokee Nation, nor until June 20, 1879. In the Commissioner's decision of February 9, 1907, it was assumed that the admission of Susan J. Perry and her children in 1870 included the admission of the applicant, but the record of the judgment of the Chambers Court of June 20, 1879, taken in connection with the testimony of the applicant herself, that her husband was admitted after their arrival in the nation in 1872, and that part of his family were already in the nation at that time and had been admitted seems to make it clear that the applicant's husband was never admitted to citizenship until 1879.

This being so, the applicant, Stacy E. Perry, was not married to a recognized citizen by blood of the Cherokee Nation prior to November 1, 1875, and is, therefore, not entitled to enrollment as a citizen by intermarriage of the

Secretary-4.

Cherokee Nation.

The Commissioner's decision in this case, together with the record of proceedings had therein, and the letter of the attorney for the Cherokee Nation waiving protest against her enrollment, is enclosed herewith, and it is respectfully recommended that the Department strike the name of this applicant from said schedule and that her application for enrollment as a citizen by intermarriage of the Cherokee Nation be denied.

Respectfully,

Commissioner.

Encl. B-26.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

SAW

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42898-1907,	Jacob A. Bartles,
42895- "	Sohnie J. Byrd,
42896- "	Amanda Beck,
42894- "	Sarah P. Gage,
42892- "	Florena Harris,
42893- "	Rachel Harmon,
42891- "	Emma L. Ironside,
42896- "	Sarah A. Jordan,
42881- "	Davie Johnson,
42883- "	Andrew H. Kermed,
42887- "	Sinny R. Perry,
42885- "	Martha Randolph, nee Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. P. Thompson,
42886- "	Hattie Wright,
42888- "	Nancy Wolfe,
42889- "	R. A. Walsh.

In view of the provisions of section 2 of the act of April

Act, 1902 (32 Stat. L., 137), providing that the suits for the Five-Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any supplement cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review heretofore transmitted cannot be considered.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

A/F-FHL.

May 13, 1907

Approved.

Thos Ryan

First Assistant Secretary.

E. T. references
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42896- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phiremm Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42886- "	Sarah A. Jordan
42881- "	David Johnson
42882- "	Andrew W. Norwood
42887- "	Stacy R. Perry
42885- "	Martha Randolph, nee Kerman
42887- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert E. P. Thompson
42889- "	Mattie Wright
42883- "	Fanny Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,

[illegible]

REFER IN REPLY TO THE FOLLOWING:
I.Cherokee
170

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 25, 1907.

Stacy E. Perry

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-12
LMC

Cherokee
283 et al.

Muskogee, Indian Territory, May 29, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.6-29
LMS

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
APR
19 1 PM 1907
IND.T.

FOR PRIVATE USE

Cherokee 170

~~Stacy E. Perry,~~

~~Vinita, Indian Territory.~~

Cher IW 171

Cher IW 171

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

ALFRED C. RAYMOND

As a citizen by intermarriage of the Cherokee Nation,

CHEROKEE NO.3009.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPTEMBER 19, 1900.

In the matter of the application of Alfred C.Raymond for the enrollment of himself and wife as citizens of the Cherokee Nation, said Raymond being sworn by Commissioner T.B.Needles, testified as follows:

Q What is your full name? A Alfred C Raymond.
Q What is your age? MR. Raymond? A 73.
Q What is your post office address? A Vinita.
Q What district do you live in? A Coweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Supto be.
Q By blood or inter-marriage? A Inter-marriage.
Q Your father and mother are non-citizens were they? A Yes Sir.
Q What is the name of your wife? A Amanda J.
Q What was her name before you married her? A Daniel.
Q When did you marry her? A In 1875.
Q What is the age of your wife? A 62.
Q What degree of blood does she claim? A One quarter Cherlee.
Q Her father and mother living? A No, sir, dead.
Q Her father8s name? A Hiram McCrone.
Q Have you any children under 21 years of age? A No, Sir.
Q Just want to enroll yourself and wife? A Yes Sir.
Q How long have you been a continuous resident of the Cherokee Nation? A 33 years, I came here in 1867.

1880 enrollment; page 160, # 2299, A.C.Raymond, Coweescoowee.
1880 enrollment; page 160, #2300, Amanda J. Raymond, "
1896 enrollment; page 322, #886, Alford C. Raymond, "
1896 enrollment; page 242, 34031, Amanda J. Raymond, "

Com'r Needles:

The name of Alford C.Raymong and his wife Amanda J., appears upon the authenticated roll of 1880; he under the name of A.C., and their names also appear upon the census roll of 1896. Having made satisfactory proof as to their residence, and being duly identified according to the page and number as indicated in the testimony; said Alfred C.Raymong will be duly listed by the Commission as a Cherokee citizen by inter-marriage, and his wife, Amanda J., as a Cherokee citizen by blood.

---oo000oo--------

J.O.ROsson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J.O.Rossen.

Subscribed and sworn to before me this 21st. day of September, 1900.

signed T.B.Needles.
Commissioner.

The undersigned being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy, and that the same is a true nd correct copy of the instrument now on file in this office.

Mary Labor Mallory

Subscribed and sworn to before me the 19th. day of January 1907.

Clia E Webster
Notary public.

Cherokee 3008.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 6, 1902.

In the matter of the application of Alfred C. Raymond for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Amanda J. Raymond, as a citizen by blood of the Cherokee Nation.

L. B. Bell, being sworn and examined by the Commission, testified as follows:

Q What is your name? A L. B. Bell, Muskogee, Indian Ter.
Q Are you acquainted with Alfred C. Raymond who is an applicant before this Commission for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q How long have you known him? A I guess 28 or 30 years intimately.
Q Do you know his wife? A His present wife, yes sir, Amanda J.
Q She is a Cherokee by blood? A She is a Cherokee by blood.
Q Were Alfred C. Raymond and his wife married prior to 1880? A I couldn't tell you that now for a fact.
Q They are both on the 1880 roll? A Yes, I believe they were.
Q Has Alfred C. Raymond and his wife, Amanda J., lived together as husband and wife since 1880 up until the present time? A Yes sir, and are living together to-day.
Q They have never been separated since 1880? A Never have been separated since their marriage.
Q Living together on the first day of September, 1902, as husband and wife? A Yes sir.
Q Have they lived in the Cherokee Nation since 1880 up until the present time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger

Subscribed and sworn to, before me this 27th day of October, 1902.

B. O. Jones
Notary Public.

Cher
Supp'l to # 3009

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 16, 1902.

In the matter of the application of ALFRED C. RAYMOND, for the enrollment of himself as a citizen by intermarriage, and his wife, AMANDA RAYMOND, as a citizen by blood, of the Cherokee Nation:

ALFRED C. RAYMOND, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Alfred C. Raymond.
Q How old are you ? A Seventy five.
Q What is your post office ? A Vinita.
Q Are you a white man ? A I am.
Q Is your name on the roll of 1880 as an adopted white citizen ?
A It is.
Q What is your wife's name ? A Amanda J.
Q Was she your wife in 1880 ? A She was.
Q Is she the wife through whom you claim your citizenship ?
A She is not.
Q She is your second wife is she ? A Yes sir, my second wife.
Q When were you married to your first wife ? A In about 1868.
Q When did she die ? A I think in 1871.
Q Then you married your present wife before 1880 ?
A Married her; we was married in 1875.
Q Have you and your wife Amanda J., been living together ever since 1880 ? A We have.
Q You have never been separated ? A Never. Been parted but a few days at a time.
Q Have you been living and making your home in the Cherokee Nation for the past twenty years? A Been in here for thirty years.
Q You have never lived anywhere else ? A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this November 19, 1902.

T B Jones
Notary Public.

LGD

Cherokee 3009.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 3,1907.

In the matter of the application for the enrollment of ALFRED C. RAYMOND, as a citizen by intermarriage of the Cherokee Nation.

Alfred C. Raymond, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

Q What is your name? A Alfred C. Raymond.
Q How old are you? A 79 this year.
Q What is your postoffice address? A Vinita, I. T.
Q Do you claim to be an intermarried citizen of the Cherokee Nation? I do.
Q Through whom do you claim your intermarried rights?
A Through my wife, Minerva Russell.
Q When were you married to her? A On Saturday, the 29th day of February, 1868.
Q Where were you married? A Fort Gibson.
Q Were you married under the Cherokee law? A I was.
Q Did you have a license? A I did.
Q Have you a copy with you? A I have not.
Q Where is your license? A I dont know. The form of it was: You got a petition with seven signers; went to the District Clerk; after you went through a certain form of declaring allegiance to the Cherokee Nation and paying a fee, he issued you a license, and the preacher that married you certified on that license that he married you and the time, and he returned that to the clerk.
Q Was that what was done with your license? A I suppose so. I never saw it after the preacher took it from me.
Q What preacher married you? A You have got me -- I cant tell you. He is a licensed preacher in Fort Gibson and was so considered, but I cant tell you his name.
Q Were you ever married before you married your Cherokee wife? A I was.
Q What was the name of your first wife? A Flora Granis.
Q Was sh living or dead at the time you married your last wife? A She died in Buffalo, New York, before I ever saw this western country.
Q How long did you live with your Cherokee wife? A She died in 1871.

Q You lived with her up to 1871, did you? A Yes, from February, 1868, to 1871.
Q Then did you remarry after her death? A Yes, in 1875.
Q Whom did you marry after her death? A I married Amanda Daniels.
Q Was she a citizen of the Cherokee Nation? A Yes sir.
Q Did you marry her according to the Cherokee law? A Yes.
Q Have you a license. A I have at home.
Q Where did you get the li cense when you were married to Amanda Daniels? A Last marriage I did not get any license. They did not require a license, but I have got a certificate.
Q What time in 1875 were you married to her? A The 20th of April.
Q Are you still living with Amanda Daniels? A Yes sir.
Q Have you lived in the Cherokee Nation continuously from 1875 up to the present time? A I have never been out of here more than a week or month unless my wife was with me.
Q Never lived anywhere else? A No sir.
Q Was Amanda Daniels ever married before she married you?
A She was.
Q What was the name of her first husband? A Jonathan Mall.
Q Was he living or dead at the time you married Amanda Daniels? A Dead.
Q Did she ever have any other husband besides Mall? A Yes, she married Tom Daniels.
Q You are her third husband? A Yes.
Q Was Daniels living or dead at the time you married her?
A He was dead.

The applicant is identified on the 1880 Cherokee roll, Cooweescoowee District, opposite No. 2299. His present wife is identified on said roll for said district opposite No. 2300. She is also identified on the final roll of citizens by blood of the Cherokee Nation opposite No. 7479.

Q What was the name of your first Cherokee wife's father and mother? A Petitt.
Q Is either one living? A No, both dead.
Q Did your first Cherokee wife have any brothers or sisters?
A Yes. Frank Petitt and Bill Petitt.
Q Are they living? A Frank Petitt lives at Edna, Kansas. Bill Petitt died years ago.
Q Is Frank Petitt a full brother of your Cherokee wife?
A Yes.
Q Was your wife's brother known by any other name? A No.
Q Where did you get your license in the Canadian District?
A We crossed the river and went over on the mountain to his house -- the clerk didn't have an office.

Cherokee 3009.

Q Was your brother-in-law, Frank Petitt, ever married?
A I dont know.
Q When was the last time you saw Frank Petitt?
A Last summer.
Q How old a man is Frank Petitt? A That's guesswork.
Q About how old? A In the seventies.
Q What was the name of the father of your first Cherokee wife? A I dont know.

The records of this office show that one Frank Petitt, whose postoffice is Edna, Kansas, is 71 years of age, is enrolled opposite No. 28706 upon the final roll of citizens by blood of the Cherokee Nation. Said Frank Petitt also appears to have been enrolled upon the 1880 Cherokee roll, Illinois District, opposite No. 1440-A.

The applicant testifies that his first Cherokee wife was named Petitt, and had a brother by the name of Frank Petitt, whose present postoffice address is ~~Petitt~~, Kansas. One

Witness excused.

James M. Keys, being first duly sworn by B. P. Rasmus, a notary public, testified as follows:

Q What is your name? A James M. Keys.
Q How old are you? A 63 years old.
Q What is your postoffice address? A Pryor Creek, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Are you acquainted with Alfred C. Raymond? A Yes.
Q Were you acquainted with his Cherokee wife? A Yes.
Q What was her name? A Minerva Petitt.
Q Do you know when Alfred C. Raymond and Minerva Petitt were married? A In 1868 or 1869.
Q Were they married according to th Cherokee law? A Yes.
Q Was Minerva Petitt a citizen by blood of the Cherokee Nation? A Yes.
Q Did you know any other members of her family? A Yes.
Q Were they considered citizens of the Cherokee Nation?
A They were.
Q Do you know their names? A Frank Petitt and Bill Petitt were her brothers.

Q Do you know anything about the third marriage of Alfred C. Raymond - to Amanda Daniels? A Yes, she is his present wife.
Q Do you know when they were married? A Yes.
Q Were they married under the Cherokee law? A I do not know.
Q Was she a citizen of the Cherokee Nation? A Yes.

Witness excused.

R. W. Lindsay, being first duly sworn by B. P. Rasmus, a notary public, testified as follows:

Q What is your name? A R. W. Lindsay.
Q What is your age? A 74 years old.
Q What is your postoffice address? A Choteau, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes, a citizen by intermarriage.
Q Are you acquainted with Alfred C. Raymond? A Yes.
Q Did you know his wife, Amanda Petit? A Yes.
Q Did you know of their marriage? A Yes. When I first knew them they were living together as man and wife and so considered by the community.
Q Were they married according to the Cherokee law?
A I dont know, but he was recognized as a citizen and voted, and they were always strict about voting.
Q When did he first vote? A About 1869.
Q Do you know whether he voted prior to 1875? A Not of certain knowledge.
Q Did he hold property in the Cherokee Nation? A Yes.
Q When did he first hold property, do you know? A about 1868.
Q Did he hold it in his own or his wife's name? A I dont know.
Q Do you know anything about his marriage to his present wife? A Yes.
Q Do you know whether they were married according to the Cherokee law? A Only from inference.

Witness excused.

The undersigned, being first duly sworn, on oath states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the above proceedings, and that the same is a true and correct transcript of her stenographic notes thereof.

Dennis T. Stubblefield

Subscribed and sworn to before me this, January 4, 1907.

Edward Merrick
Notary Public.

E C M Cherokee 3009.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ALFRED C. RAYMOND as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 19th, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Alfred C. Raymond as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory October 6th, 1902, October 16th, 1902 and January 3rd, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Alfred C. Raymond, a white man, was married in accordance with Cherokee law February 29th, 1868 to one Minerva Raymond, nee Russell, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. It is further shown that from the time of said marriage until the death of said Minerva Raymond, which occurred in 1871, the said Alfred C. Raymond and Minerva Raymond resided together as husband and wife and continuously lived in the Cherokee Nation; that from the time of the death of the said Minerva Raymond until his remarriage on April 20th, 1875, the said Alfred C. Raymond remained unmarried and continuously lived in the Cherokee Nation. It is also shown that on April 20th, 1875 said Alfred C. Raymond was married in accordance with Cherokee law to his present wife, Amanda J. Raymond, nee McCrary, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District No. 2300 as a native Cherokee. It is further shown that from the time of said marriage the said Alfred C. Raymond and Amanda J. Raymond resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1st, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Alfred C. Raymond is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 8 1907.

Cherokee 3089

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of Alfred S. Raymond as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.K-13
JMH

Commissioner.

Cherokee 3009

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Alfred C. Raymond as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that the said person may be placed upon the schedule immediately.

Respectfully,

J. T. Hastings

Attorney for Cherokee Nation.

Cherokee 3000

Muskogee, Indian Territory, February 8, 1907.

Alfred G. Raymond,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a Schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.K-14
JMH

Commissioner.

Cher IW 172

Cher IW 172

E.O.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

MARGARET M. WOODALL

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.3559.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 26, 1900.

In the matter of the application of John P. Woodall for the enrollment of himself and wife as citizens of the Cherokee Nation; said Woodall being sworn by Commis ioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please? A John P. Woodall.
Q How old are you ? A 59.
Q What is your post office?A Vinita.
Q In what district d o you live? A Delaware.
Q Who is it you want to have put on the roll? A Myself and wife.
Q You apply as a Cherokee by blood?A Yes, sir.
Q What porportion of Cherokee blood do you claim? A I do not know exactly, I guess about fourth.
Q Your wife Cherokee or white woman? A White woman.
Q How long have you lived in the Cherokee Nation? A I was out 9 years in '57,
Q Wat district were you enrolled from in 1880? A Saline.
Q In 1896 what district? A Saline.
Q What is your wife's name? A Maver M.
Q How old is she? A She is 58.
Q When did you marry her? A I think it was in 1872.
Q You lived together ever since your marriage? A Yes, sir.
Q And lived all the time inthe Cherokee Nation? A Yes,sir.
Q What is the name of her father?A Sanders., I do not know his given name.
Q Is he dead or alive? A Dead.
Q Her mother's name? A Elizabeth.
Q Dead or alive? A Both dead.

1880 enrollment; page 678, #1326, J. P. Woodall, Saline.
1880 enrollment; age 678, #1327, M. M. Woodall, Saline.
1896 enrollment; page 554, #3462, John P. Woodall, Delaware.
1896 enrollment; page 593, #579, M.(Maud) Woodall, Delaware.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and wife: He is identified on the rolls of1880 and 1896 as a native Cherokee. He has lived inthe Cherokee Nation all his life, except a few years about 1860, and he will be listed nor for enrollment as a Cherokee by blood. His wife is identified with him on the rolls of 1880 and 1896, as an adopted white. She has lived with him in the Cherokee Nation ever since their marriage in 1872, and she willbe listed now for enrollment as a Cherokee by adoption.

---oooOOO ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, he correctly recordec the testimony and proceedings in this case, and that the foregoing is a true and complete transdript of his stenographic nates thereof.

J O Rosson

Subscribed and sworn to before me this 29th day of September, 1900.

C R Breckinridge

Commissioner.

3559

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

ACTING CHAIRMAN.

JOR.
Cher. 3559.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of MAVER M. WOODALL as a citizen by intermarriage of the Cherokee Nation.

MAVER M. WOODALL, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Margaret Maver Woodall, but they put it down wrong, they put the Maver first. I don't know why Mr. Woodall put it that way. The Margaret comes first, but it is all the same, that is all the name. I guess when he fi rst enrolled me on the 1880 roll they musthave enrolled me that way.
Q Your correct name is Margaret Maver Woodall? A Yes sir.
Q How old are you? A
Q What is your post office address? A Big Cabin, Indian Territory
Q You are a white woman, are you? A Yes sir.
Q Application has been made to this Commission for your enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q What is the name of your husband? A John Peter Woodall.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to him? A Yes sir.
Q When were you and he married? A Marriedthe 1st day of January, 1873.
Q At the time application was made for your enrollment, did you make satisfactory proof of your marriage to him? A Yes sir.
Q Does your name appear upon the 1880 roll? A Yes sir.
Q Were you ever married before you married him? A Yes sir.
Q What was the name of your first husband? A Eneas Ridge.
Q Is he living? A No sir.
Q Was he living when you married your present husband? A No sir.
Q Is that the only time you were ever married before you married your present husband? A No sir, married once before.
Q What is the name of your next husband? A Samuel Cecil.
Q Is he living? A No sir.
Q Was he living when you married your present husband? A No sir.
Q Was he ever married before, ~~you married~~ your present husband?
A No sir.
Q You are his first wife, and he is your third husband? A Yes sir
Q Have you and he lived together continuously since you were married
A Yes sir.
Q Were you living togetheron the 1st day of September, 1902?
A Yes sir.
Q You have never been separated at all? A No sir.
Q Have you resied in the Cherokee Nation continuously since you and he were married? A Yes sir.
Q Has he also? A Yes sir.
Q You have no minor children, you say? A No sir, I have no minor children.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollmentof Maver M. Woodall as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 3559.

Cher. 3589----2.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of October, 1902.

John O Rosson
Notary Public.

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Ener. 3022----2.

Wm. Hutchinson, being first duly sworn, states that he is superintendent to the Commissioner of the Navy Utilized Tribes in charge of the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 27th day of October, 1902.

Notary Public.

F.R. Cherokee 3559.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 28, 1907.

In the matter of the application for the enrollment of Margaret M. Woodall as a citizen by intermarriage of the Cherokee Nation.

John P. Woodall being first duly sworn by Francea R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A John P. Woodall.
Q Your age? A Sixty-six.
Q And your postoffice address? A Big Cabin, I. T.
Q You appear here for the purpose of giving testimony relative to the right to enrollment of Margaret M. Woodall, a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Is Margaret M. Woodall your wife? A Yes sir.
Q Is she living at this time? A Yes sir.
Q Is she unable to come here? A She has been; she might come down but she is not well enough.
Q You are a citizen of the Cherokee nation by blood?
A Yes sir.
Q When were you married to Margaret M. Woodall?
A In 1873.
Q Where were you married to her? A I was married in Delaware district.
Q Who performed the marriage ceremony? A My brother did.
Q Is your brother a minister? A No, he was district judge at that time.
Q At the time you married Margaret M. Woodall, were you a recognized citizen of the Cherokee Nation? A Yes sir.
Q From the time of your marriage to Margaret M. Woodall on down to the present time, you have resided together as husband and wife and lived continuously in the Cherokee Nation?
A Yes sir.
Q Had you been married before you married Margaret M. Woodall?
A Yes sir.
Q How many times had you ben married? A Only once.
Q What was the name of your first wife? A Her name was Mary Thorn.
Q Was Mary Thorn living at the time you married Margaret Woodall? A No, she was dead.
Q Was Margaret M. Woodall married before she married you?
A Yes sir.
Q How many times had she been married? A She had been married before me, I think twice.
Q Were either of her first husbands living at the time you married her? A Well, I can't say positively because I didn't know the men at all; might be living. They might have been living.
Q She had separated from her first and second husbands?
A The second one.

Q But she never secured any divorce as far as you know?
A All I know about that is what she told me herself.
Q What did she tell you? A She said she was divorced.
Q The name from whom she was divorced, was he a Cherokee citizen or was he a white man? A I reckon he was a white man. I didn't know him at all.
Q How long had she been living in Delaware District at the time you married her? A Well, I was gone then, and I was out one time nine years and I went back and been there ever since, that is, in the country.
Q Did you ever leave the Cherokee Nation for any length of time --move out of it? A Only one time when I was a young fellow I went to California and staid, and came back in 1866.
Q When you returned were you readmitted to citizenship?
A Yes sir.
Q In what year were you readmitted? A I don't remember that exactly. I couldn't say; it was not very long; might have ben in 1867.
Q But it was prior to the time of your marriage to Margaret M. Woodall, was it ? A Yes sir.
Q Were you admitted by the council? A Yes, by the Council; that is, the whole family was admitted at one time.
Q Since that time you never moved out of the Cherokee Nation?
A No, I have lived right here.
Q Do you know where it was--in what state, Margaret M. Woodall secured the divorce from her second husband? A No, I don't.
Q Where did she live before she came to the Cherokee Nation?
A She lived at Springfield, Missouri, and in Virginia awhile I believe--that's just what she said.
Q You never made any effort to get any copy of the decree of the court grabting her a divorce? A No sir.
Q You have no reason to think that she was not divorced from that man at the time you married her? A No, I think they was divorced.
Q And you don't know whether he was dead at the time she married you? A No, I couldn't say; he might have been living because I don't know him at all.
Q I believe you said that her first husband was dead at the time she married you? A Yes sir.

Witness excused.

William C. Woodall, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissions:
Q What is your name? A William C. Woodall .
Q Your age? A Seventy-one and a half.
Q And your post office address? A Vinita, I. T.
Q You are a brother of John W. Woodall, are you? A Yes sir.
Q Did you know his wife, Margaret M. Woodall? A Yes sir.
Q When were they married? A In 1873 I expect.
Q Who performed the marriage ceremony? A I did.
Q At that time what office of the Cherokee nation did you hold? A Judge of the district court of Delaware District.
Q They were lawfully married in accordance with the Cherokee laws at that time? A Yes sir.
Q They have resided together as husband and wife and continuously lived in the Cherokee Nation from that time until the present time? A Yes sir.
Q How do you fix the date of 1873 as being the date of their

marriage? A I was judge in 1872, and it was along about the last of that year or the first of the other year, I can't tell which, I married them.
Q How long did you remain judge? A Iwas elected for two years, but I didn't serve the full term.
Q At the time you performed the marriage ceremony was your brother a recognized citizen of the Cherokee Nation?
A Yes sir.
Q He had never been married before that had he? A Yes, been married once.
Q Was his first wife living at the time he married Margaret M. Woodall? A No, she was dead.
Q Do you know whether or not Margaret M. Woodall had been married before she married John P. Woodall? A She was widow Ridge at the time I married them; that was the name she went by.
Q It was your understanding that she had been divorced from that husband? A I don't know nothing about that.

The applicant, Margaret M. Woodall is identified on the Cherokee authenticated tribal roll of 1880, Saline District, No. 1327.
The husband of the applicant, John P. Woodall, is identified on the Cherokee authenticated tribal roll of 1880, Saline District, No. 1326, and is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 8672.
The applicant and her husband are also identified on the Cherokee Census Roll of 1896, Delaware District, opposite No. 579 and No. 3462 respectively.

John P. Woodall Recalled, testified as follows:

By the Commissioner:
Q From yiur testimony awhile ago I understood that your wife was probably divorced from her husband in Springfield, Mo. Is that your understanding? A Well sir, I don't know; I can't state for certain.
Q Did you ever hear her say whether she secured a divorce, or whether he secured a divorce? A No, I don't remember that, either.
Q Did you ever make any effort to secure a copy of the decree granting the divorce? A No sir.
Q Is your wife able to come here at this time and testify in this case? A Not hardly; she is poorly; she is getting kind of old.
Q Has she been away from her home in the last year? A No, not outside the nation she hasn't been.
Q Has she been able to make any trips this last year?
A She comes down to Adair; and once in awhile she goes to Tahlequah. Adair is only 8 miles.
Q Don't you think she could come down here this week sometime and give some testimony as to that divorce from this husband?
A Well, it may be she could.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.
Frances R. Lane
S
Subscribed and sworn to before me this January 28, 1907.

Edward Merrick
Notary Public.

18th Day. Greene Circuit Court, Saturday, May 28th, 1870.

Mavor Cecil, :
:
vs :Final decree of divorce.
:
S. W. Cecil, :

Now at this day come the Plff and this cause coming on to be heard and being submitted to the Court the Court from an examination of the same doth find that the defendant has been duly notified of the commencement of this suit by a writ of summons and copy of the petition served on him for at least fifteen days before the commencement of the present term of this Court and the Court further find from an examination of the petition, answer and from the evidence of the Plff and defendant that the Plaintiff is the innocent and injured party. It is therefore considered adjudged and decreed by the Court that the said Mavor Cecil be divorced from the bonds of matrimony by her contracted with the said Samuel W. Cecil and that the bonds of matrimony be annulled on the part of said Plaintiff and that the plaintiff have and recover of and from defendant her cost of suit, for which execution may issue.

State of Missouri, :
ss
County of Greene. :

I, T. A. Nicholson, Clerk of the Circuit Court within and for the County and State aforesaid do hereby certify that the above and foregoing is a full, true and complete copy of the decree of divorce in the case wherein Mavor Cecil is plaintiff and S. W. Cecil is defendant as fully as the same appears of record in my office.

In testimony whereof I have hereunto set my hand as Clerk of the Circuit Court and affixed the seal thereto. Done at my office in the City of Springfield, Missouri, this 1st day of February, A. D. 1907.

T A Nicholson
Circuit Clerk.

E.C.M. Cherokee 3559.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Margaret M. Woodall as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on September 26, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Margaret M. Woodall as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, September 17, 1902, and at Muskogee, Indian Territory, January 28, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Margaret M. Woodall, a white woman, married January 1, 1873, one John P. Woodall, who is identified on the Cherokee authenticated tribal roll of 1880, Saline District, No. 1326, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 8672. It is further shown that from the time of said marriage the said John P. Woodall and Margaret M. Woodall resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Margaret M. Woodall is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 8 1907

Cherokee 3557

Muskogee, Indian Territory, February 8, 1907.

W. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of Margaret M. Woodall as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-3
JMH

Commissioner.

Cherokee 3559

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Margaret M. Woodall as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

Jr. W. Hastings

Attorney for Cherokee Nation.

Cherokee 3559

Muskogee, Indian Territory, February 8, 1907.

Margaret M. Wendell,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-4
JMH

Commissioner.

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Cher I W 173

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

GEORGE W. MITCHELL

as a citizen by intermarriage of the Cherokee Nation

CHEROKEE 4041

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3d, 1900.

In the matter of the application of George W. Mitchell for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Mitchell being sworn by Commissioner T.B.Needles, testified as follows:

Q What is your name? A George W. Mitchell.
Q What is your age, Mr. Mitchell, 48.
Q What is your post office address? A Vinita.
Q Are y u a recognized citizen of the Cherokee Nation? A Yes, sir
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply? A Myself, wife and family.
Q What is the name of your wife? A Martha J. -
Q What w s her name before you married her? A Horn.
Q What is her age? A 38.
Q Have you a certificate of marriage? A No, sir, I am on the 1880 roll. I was married in 1872.
Q What is the name of your children? A My oldest Savola L.
Q How old is she? A 19.
Q What is the name of the next one? A Claud S.
Q How old is he? A 17.
Q Next one? A Lee R.
Q How old is Lee R.? A 12.
Q Name of the next one? A Jose h F.
Q How old is Joseph F.? A He is eight.
Q Next one? A Clay A.
Q How old is Clay A? A Six.
Q Next one? A Beulah V.
Q What is her age? A Four.
Q What is the na e of the next one? A George W., Jr.
Q How old is George W.? A One.
1880 enrollment; page 287, #1711, George Mitchell, Delaware.
Q She is on the roll as some other name? A She is with her stepfather, J. C. Cleveland
1880 enrollment; page 763, #843, Martha L. Horn, Delaware.
1896 enrollment; page 316, #692, George W. Mitchell, Cooweescoowee.
1896 enrollment; page 217, #326, Mattie J.Mitchell, Cooweescoowee
1896 enrollment; page 217, #3329, Sivolie Mitchell, " "
1896 enrollment; page 217, #3331, Lee R. " "
1896 enrollment; page 217, #3332, Joseph F. " "
1896 enrollment; page 217, #3333, Clay A. " "
1896 enrollment; page 217, #3334, Bulah V. " "
Q These children all alive and living with you, Mr. Mitchell? A Yes, sir.
Q You were married before you marriage your presents wife? A yes, sir.
Q What was that wife's name? A Susan.
Q Living? A No, sir.
Q Was she a Cherokee Citizen by blood? A Yes, sir.
Q Did y u live with her until her death? A Yes, sir.
Q After wards married Mattie Horn another Cherokee citizen by blood? A Yes, sir.
Q Have you lived with her ever since your marriage? A Yes, sir.

Com'r Needles:--The name of George W. Mitchell appears upon the authenticated roll of 1880 as an intermarried white. He avers that he was married to his present wife, Martha J. Horn, in the year 1896, and the name of his wife Martha J. Horn is found upon the authenticated roll of 1880 as Martha L. Horn, and upon the roll of 1896 as Mattie J. Mitchell. The applicant's name appears upon the roll of 1880 as George Mitchell. The names of his children, Savola L., Claud S., Lee R., Joseph F., Clay A., and Beulah V., appears upon the census roll of 1896, and he makes satisfactory proof as to the birth

of the youngest child, George W., Jr., whose name does not appear on the roll of 1896. They all being duly identified according to the page and number of the rolls as indicated in the testimony, and having made satisfactory proof as to their residence, the said George W. Mitchell will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife Martha J. and her children as enumerated in the testimony as Cherokee citizens by blood.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 8th day of October, 1900.

C. R. Breece

Commissioner.

COMMISSIONER OF INDIAN AFFAIRS
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[illegible] eldest child, George W., Jr., whose name does not appear on the roll for 1896. They all being duly identified according to the same number of the roll as indicated in the testimony, and having presented satisfactory proof as to their residence, the said George W. Mitchell will be duly listed for enrollment as a Cherokee by intermarriage, and his wife Martha J. and her children as shown noted in the testimony as Cherokee citizens by blood.

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I. O. Rosson, being first duly sworn, states that as stenographer to the Court herein to the Five Civilized Tribes, he correctly recorded the testimony taken before Commissioner in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of October, 1900.

Commissioner.

Cherokee 4041.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of George W. Mitchell for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Martha J. Mitchell, and his eight minor children, Savola L., Claud S., Lee R., Joseph F., Clay A., Beulah V., George W., Jr., and Ross B. Mitchell, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

GEORGE W. MITCHELL, being sworn, testified as follows:

By the Commission,

Q What is your name? A George W. Mitchell.
Q How old are you? A I am fifty-one years old.
Q What is your postoffice? A Vinita.
Q Are you a white man? A Yes, sir.
Q Does your name appear upon the roll of 1880 as an adopted white citizen? A Yes, sir.
Q What's your wife's name? A Susan C.
Q What was her name in 1880? A Susan C. Mitchell.
Q Who was Martha J. Mitchell? A That's my first wife.
Q You are talking about your first wife, Susan? What was her first name? A Helderbrand was her name when I married her.
Q You claim your citizenship through her? A Yes, sir.
Q When did she die? A In 1884.
Q Did you live with her from '80 to '84? A Yes, sir.
Q Never separated from her during that time? A No, sir.
Q When did you marry the second time? She died in 1884? A 1883, I believe it was she died; in December, 1883.
Q What was your second wife's name? A Henry.
Q What was her first name? A Annie B.
Q Who is Martha J.? A I have been married three times.
Q How long did you live with her? A Three months.
Q You were divorced from her? A Yes, sir.
Q Who got the divorce? A We both got it; we both signed the petition.
Q When did you marry Martha J. Mitchell? A 1889.
Q You were divorced from your second wife in '85, were you?
A Yes, sir; yes, '85.
Q Did you file the record of that divorce with the Commission?
A You say did I?
Q Yes. A I can get a record.

Applicant must file proof of divorce from second wife.

Q Now, is your present wife, Martha J., a Cherokee by blood?
A Yes, sir.
Q How long has she lived in the Cherokee Nation? A Born and raised here.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir
Q Have you been in the Cherokee Nation ever since '80? A Yes, sir. Ever since 1871.
Q Was Martha J. ever married before? A No, sir.
Q How many children have you? A Four by my first wife, six by my last wife.

Q Ten altogether? A I reckon you have not got one on there.
Q What's your two oldest ones' names? They have enrolled themselves? A Yes, sir, Robert and Lee have enrolled themselves.
Q What's the youngest one's name? A Ross Benge is his full name.
Q You have eight living with you? A Yes, sir, they are all living with me. My son and daughter are teaching school.
Q You have had no deaths in the last two and a half years?
A No, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 17th day of November, 1902.

Notary Public.

Cherokee #4041

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., DEC. 17, 1902.

In the matter of the application for the enrollment of George W. Mitchell et al. as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the 1880 authenticated tribal roll of the Cherokee Nation shows that the mother of Savola L. Mitchell is identified thereon, at page 287, #1712, Delaware District.

It is ordered that this statement be filed with and made a part of the record in this case.

Commissioner.

Cher
Supp'l to # 4041

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 20, 1903.

In the matter of the application of GEORGE W. MITCHELL, for the enrollment of himself, as a citizen by intermarriage, and his wife, MARTHA J. MITCHELL, and his children, SAVOLA L., CLAUD S., LEE R., JOSEPH F., CLAY A., BEULAH V., GEORGE W. JR. and ROSS B. MITCHELL, as citizens by blood, of the Cherokee Nation:

GEORGE W. MITCHELL, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q State your name ? A George W. Mitchell.
Q How old are you ? A I am fifty years old.
Q What is your post office ? A My nearest post office is Woodley, but Vinita is my post office.
Q You are a white man, are you ? A Yes sir.
Q Claiming as an intermarried citizen ? A Yes sir.
Q Is your name on the roll of 1880 ? A Yes sir.
Q What was your wife's name at that time ? A Susan Mitchell.
Q Was she a Cherokee by blood ? A Yes sir.
Q She is the wife through whom you claim citizenship ?
A Yes sir.
Q You were married to her prior to 1880 ? A Yes sir.
Q How many children did you have by Susan ? A Four.
Q Your wife's name was Susan C. Mitchell ? A Yes sir.
Q What is the name of your oldest child ? A Robert L.
Q He is of age ? A Yes sir.
Q He has enrolled himself ? A Yes sir.
Q What is the name of the next one ? A Levia L.
Q She enrolled herself ? A Yes sir.
Q What is the name of the oldest child you enrolled ?
A Savola L., she has become of age since then.
Q Is she married ? A No sir.
Q What is the name of the next one ? A Claud S.
Q Susan is his mother ? A Yes sir.
Q What is the name of the next one ? A That's all by that first woman, but I have six by my last one.
Q Susan is the mother of Claud ? A Yes sir. Claud, I reckon, is the only one I can't file for.
Q You have how many by your second wife ? A Six, Lee, Joseph, Clay, Beulah George and Ross.
Q They are your children by whom ? A Martha J. Horn.
Q That's your second wife ? A Yes sir.
Q When did your first wife Susan die ? A My first wife in-- well I can't tell that question; I just came up these steps, I have been sick about three weeks; she died in 1884.
Q Did you live with her from the time you married her up until the time she died ? A Yes sir.
Q Never were separated in all that time ? A No sir.
Q When did you marry your present wife Martha ?
A I married her in 1886.
Q She is your second wife ?
A No sir, I was married between these.
Q Who did you marry after the death of your wife Susan ?
A Annie B. Henry.
Q Was she a Cherokee by blood ? A Yes sir. We never had any children.
Q Was she on the 1880 roll ? A No sir; yes sir I believe she was on the 1880 roll, I believe she was, she was from Alabama here.

Q Was she admitted ? A Yes sir.
Q When ? A She must have been admitted about 1880, I guess.
Q Admitted by the Cherokee Commission ? A By the Cherokee Council.
Q When did she come to the Cherokee Nation ? A She come to the Nation in about 1882 I think; no, in 1881.
Q And resided in the Cherokee Nation up until the time you married her ? A Yes sir.
Q How long did you live with her ? A Lived with her about four months.
Q Did she die ? A No sir, we separated.
Q Your first wife was dead was she ? A Yes sir. We separated and we was divorced by act of the National Council.
Q When ? A In 1886.
Q Now, have you made proof of that divorce before the Commission ?
A Yes sir.
Q And after that divorce you married your present wife Martha ?
A Yes sir.
Q Is she on the 1880 roll ? A Yes sir, all these women were Cherokees by blood.
Q Have you and Martha been living together ever since you were married ? A Yes sir.
Q Are all these children for whom you make application living at this time ? A Yes sir.
Q Have you resided in the Cherokee Nation ever since 1880 ?
A Ever since 1874.
Q Never been out ? A No sir, only out and back, its been my home ever since.
Q Did you have any children by Annie ? A No sir.
Q You say she was admitted by the Council in 1880 ?
A Yes sir.
Q Did you offer in evidence a copy of that act of Council ?
A No sir, I didn't offer any as to her admission, she lives in this country yet, and has been a citizen ever since.
Q What is her name now ? A Well sir, I don't know, I know she married, but I don't know what her name is; she's up about Collinsville I think, but I can't say what her name is.
Q Was she admitted under the name of Henry ?

By the Commission: It will be necessary, Mr. Mitchell, to make some proof of the admission of your second wife to citizenship in the Cherokee Nation.

Q Has your present wife lived in the Cherokee Nation all her life ?
A Yes sir, she was born and raised here.
Q Have all these children of yours lived in the Cherokee Nation all their lives ? A Yes sir they have all been born here in the Cherokee Nation.

By the Commission: It appears from an examination of the record in Cherokee # 5448, that applicant's second wife, Annie B. Henry, who is now the wife of Hiram R. Snyder, was admitted to citizenship in the Cherokee Nation on September 22, 1883.

Q Now, Mr. Mitchell, when did you say you married Annie B. Henry ?
A In 1884.
Q Do you know if she is now the wife of Hiram R. Snyder ?
A Yes sir, I heard she married a man named Snyder, she has always been quite a distance from me.
Q Do you know if she is now living with her husband near Chelsea ?
A She is living somewhere west of here.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this March 24, 1903.

Samuel Foreman,

Notary Public.

4141

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 27 1903
CHAIRMAN

Tahlequah, Indian Territory, March 24, 1903.

I, C. Bennett, on oath state that, as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is a correct transcript of said stenographic notes thereof.

Subscribed and sworn to before me this March 24, 1903.

Notary Public.

Cherokee No.
4041.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, INDIAN TERRITORY, JANUARY 4, 1907.

IN THE MATTER OF THE APPLICATION for the enrollment of George W. Mitchell, as a citizen by intermarriage of the Cherokee Nation.

GEORGE W. MITCHELL, being first duly sworn by Walter W. Chappell, Notary Public in the Western District of the Indian Territory, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name, age and postoffice address?
A George W. Mitchell; going on 55, - 54, going on 55; Blue Jacket, R. F. D. No. 1. My postoffice has been near Woodley.
Q You claim to be a citizen by intermarriage of the Cherokee Nation, do you? A Yes sir.
Q Through whom do you claim that right? A Susan C. Hildebrand.
Q Is Susan C. Hildebrand living at the present time? A No sir.
Q When did she die? A In 1884, February 13th.
Q Was she a citizen of the Cherokee Nation?
A Yes sir, Cherokee by blood.
Q Born and raised here? A Yes sir, born and raised in Going Snake District, Cherokee Nation.
Q When were you and she married? A We was married in 1873, September 21. I haven't got any license, but it should appear on the Tahlequah book. I wrote to Tahlequah here awhile back for it. They wrote me they had sent the books all to the Dawes Commission.
Q Where were you married to her? A. Married in Going Snake District.
Q Who married you? A Baptist Minister. His name was J. Hogan. I think he is on the Baptist circuit here in this Creek country now. He might not be here, and then he might. I think my marriage appears on the Tahlequah books. That is where I got my license.
Q You secured your license in the Tahlequah District? A Yes.
Q Were either you or Susan Hildebrand married prior to your marriage in 1873? A No sir.
Q Did you live together continuously after your marriage until her death? A Yes sir.
Q Where did you reside during that time? A In Going Snake District, we lived the first four or five years we married, we lived in the Delaware District, if it is necessary to state that. We are on the 1875 roll in the Delaware District.

Q Have you married since her death? A Yes sir.
Q Is your second wife living? A Yes sir.
Q What is her name? A I am like the other man, been married twice. First woman I married her name was Anna B. Henry; she was a Cherokee by blood.
Q When were you and Anna B. Henry married? A We were married in I think it was about December 1884.
Q Is your second wife living at the present time?
A Yes. She only stayed with me about five months I reckon, and we was divorced by an act of the National Council.
Q Is she living in the Cherokee Nation at the present time?
A Yes, she is living near Chelsea.
Q Has she made application for enrollment?
A Yes, she is married again.
Q Under what name did she apply?
A Snyder. Q Anna H. Snyder? A. Yes sir.
Q What is her present husband's name?
A I don't know his given name, but I think it is Hiram Snyder.
Q Is he living? A Yes, he was the last time I heard anything from him.
Q Have you married since you and Anna B. Henry separated?
A Yes sir.
Q Who did you marry? A Martha J. Horne.
Q Is she living? A Yes sir.
Q What is her citizenship? A Cherokee by blood.
Q When did you marry her? A That was June 1887.
Q Did you have any children by your first wife?
A Four, all grown.
Q All living? A Yes sir, - all got allotments right there by me.
Q What is the name of the youngest one?
A The youngest one of these four?
Q Yes? A Claude Stevens.
Q And the one next older, what is its name? A It is a girl, Sabola L. Mitchell. She filed for herself, she was of age.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that Claude S. and Sabola L. Mitchell, children of the applicant George W. Mitchell and Susan C. Mitchell, deceased, are included in an approved partial roll of Cherokees by blood, opposite Nos. 27688 and 27689, respectively.

On Page No. 51, "Marriage Records from 1870-1892 Tahlequah District," appears the following "License granted George Mitchell to marry Susan Hildebrand, given September 13, 1873, ceremony performed by J. H. Hogan September 21, 1873, ordained minister."

Q Since you and your second wife separated, you say you think she married a man named Hiram Snyder? A Yes sir.
Q Do you know whether or not she had any children by him?
A I think she has.
Q Do you know their names? A No sir, I don't know them.

ON BEHALF OF THE COMMISSIONER:

The records of this office show that said Anna B. Snyder, wife of one Hiram R. Snyder, a non-citizen of the Cherokee Nation, together with four children of the said Anna B. Snyder and Hiram R. Snyder, are included in the approved partial roll of Cherokees by blood, opposite Nos. 13040 to 13044, inclusive.

Q Have you any children by your last wife? A Yes, seven. Six boys and one girl.

ON BEHALF OF THE COMMISSIONER:

The records of this office further show that Martha J. Mitchell (nee Horne) is included in an approved partial roll of Cherokees by blood opposite No. 27687.

The applicant George W. Mitchell is identified on the authenticated Cherokee tribal roll of 1880, Delaware District, and the Cherokee census roll of 1896, Coowee Coowee District, opposite Nos. 1711 and 692, respectively, as an intermarried white.

Q Have you lived continuously in the Cherokee Nation since your first marriage in 1873? A Yes, never lived any where else.

(Witness dismissed).

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on January 4, 1907, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof taken on said date.

S. T. Wright

Subscribed and sworn to before me this January 5th, 1907.

Edward Merrick

NOTARY PUBLIC.

C.E.W. Cherokee 4041.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE W. MITCHELL as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, October 3, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of George W. Mitchell as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 17, 1902, December 17, 1902, at Vinita, Indian Territory, February 20, 1903, and at Muskogee, Indian Territory, January 4, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George W. Mitchell, a white man, was married in accordance with Cherokee law September 21, 1873, to one Susan C. Mitchell, nee Hildebrand, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, Page 287, No. 1712, as a native Cherokee; that from the time of said marriage the said George W. and Susan C. Mitchell resided together as husband and wife until her death, which occurred February 13, 1884; that subsequent to the death of the said Susan C. Mitchell said George W. Mitchell, in December, 1884, married one Anna B. Mitchell, nee Henry, who is identified on the Cherokee Orphan roll of 1880, Cooweescoowee District, Page 5, No. 30, as a native Cherokee; that from the time of said marriage the said George W. and Anna B. Mitchell resided together as husband and wife until the year 1885; that said applicant was divorced from his wife, Anna B. Mitchell, in the year 1885, by an Act of the National Council; that in June, 1887, said George W. Mitchell was married to one Martha J. Mitchell, nee Horne, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District, Page 763, No. 843, as a native Cherokee, and whose name appears on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 27687; that said George W. Mitchell and Martha J. Mitchell, since their marriage, have resided together

as husband and wife, and have continuously lived in the Cherokee Nation; and that said George W. Mitchell has continuously lived in the Cherokee Nation since September 21, 1873. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, George W. Mitchell, is entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 11 1907

Cherokee
4041.

Muskogee, Indian Territory, February 11, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, granting the application for the enrollment of George W. Mitchell as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Enc I-1

RPI

Cherokee 4041

Muskogee, Indian Territory, February 11, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling George W. Mitchell as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said prson may be placed upon the schedule immediately.

Respectfully,

M. D. Harlin

Attorney for the Cherokee Nation.

Cherokee 4041.

Muskogee, Indian Territory, February 11, 1907.

George W. Mitchell,

Bluejacket, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Enc I-2. Commissioner.

RPI

Remit as

Cher IW 174

Cher IW 174

E.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

GEORGE W. EATON

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.4708.

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., October 22, 1900.

In the matterof the application of George W. Eaton for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissi ner Breckinridge he testified as follows:

Q Give me your full name? A George W. Eaton.
Q How old are you? A 54
Q What is your post-office? A Claremore.
Q You live in Cooweescoowee Dstrict? A Yes sir.
Q Do you apply for the enrollment of yourself and family?
A Just myself.
Q Are you a Cherokee by blood? A No sir, white man.
Q Let me see your license and certificate? A I haven't got none
Q Are you on any roll of the Cherokee Nation? A Yes sir, on all of them I guess.
Q On the roll of 1880? A Yes sir.
Q What was the name of your wife? A Nancy E. Williams.
Q She was a Cherokee, was she A Yes sir.
Q When did she die? A 4 years ago.
Q She was living in 1880? A Yes sir.
Q You married her when? A In 1868.
Q Did you live with her until she died 4 years ago? A Yes sir
Q Have you married since her death? A No sir.
1880 roll page 98 #1002 G. W. Eaton Cooweescoowee Dist, adopted White
1896 roll page 303 #341 George W. Eaton Cooweescoowee Dist.

Com'r Breckinridge: The a plicant is identified oh the rolls of 1880 and 1896 as an adopted white; his Cherokee wife with whom he lived in 1880 died some four years ago; he has lived in the Ch r-okee Nation ever since his enrollment in 1880 & he has not remarried since the death of his Cherokee wife, and he will be listed now for enrollment as a Cherokee by intermarriage.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing s a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 23 day of October 1900.

Commissioner.

4708

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 23 1900

ACTING CHAIRMAN.

COOWEESCOOWEE.
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 22 1900 1900.

Name 324 George W. Eaton, Claremore I.T.

District COOWEESCOOWEE Year 1880 Page 98 No. 1002

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage 1861

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

On 1896 Roll as G. W. Eaton

B 4705

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of George W. Eaton for the enrollment of himself as a citizen by intermarriageof the Cherokee Nation.

Supplemental to #4708.

GEORGE W. EATON, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. George W. Eaton.
Q. How old are you? A. 57.
Q. What is your post office? A. Claremore.
Q. Are you a white man? A. Yes, sir.
Q. You are on the eighty roll as an adopted citizen, are you?
A. Yes, sir.
Q. What was your wife's name in 1880? A. Nancy Eaton.
Q. Is that the only wife you ever had? A. Yes, sir.
Q. Was she ever married before she married you? A. No, sir.
Q. Is she dead or living? A. Dead.
Q. When did she die? A. Either 5 or 6 years ago.
Q. Did you live with her in the Cherokee Nation from the time you were married until she died? A. Yes, sir.
Q. Have you married since her death? A. No, sir.
Q. Have you been living in the Cherokee Nation since 1880?
A. Yes, sir.
Q. How many children have you? A. Four.
Q. Are they living at home with you? A. No, sir.
Q. They are all grown? A. They are all grown.

IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 24th day of December, 1902.

B O Jones
Notary Public.

Cherokee 4708.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 4, 1907.

In the Matter of the Application for the Enrollment of George W? Eaton as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Applicant appears in person.

Cherokee Nation represented by H. M. Vance, in behalf of W. W. Hastings, Attorney.

George W. Eaton being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A George W. Eaton.
Q What is your age? A 61 years.
Q What is your post office address?
A Claremore.
Q Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir; I suppose I have been enrolled.
Q You have no Cherokee blood?
A No sir.
Q Your only claim to the right for enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Nation?
A Yes sir.
Q What is the name of the citizen through whom you claim the right to enrollment?
A Her name was Nancy Elizabeth Williams.
Q Is she living or dead?
A Dead.
Q When did she die?
A September, 1896.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her?
A Yes sir.
Q Living in the Cherokee Nation?
A Yes sir.
Q What is the date of your marriage to her?
A 17th day of May, 1868.
Q Were you married in the Cherokee Nation in accordance with Cherokee laws?
A Yes sir.
Q You secured a license, did you?
A Yes sir.
Q In what district was that license issued?
A Goingsnake.
Q From the date of your marriage in 1868, did you and your wife continuously reside in the Cherokee Nation until the time of her death?

A Yes sir.
Q And lived together continuously as husband and wife?
A Yes sir.
Q Since her death have you re-married?
A No sir.
Q You have lived continuously in the Cherokee Nation up until the present time?
A Yes sir.
Q Have you any evidence of a documentary character showing your marriage to your deceased wife?
A No sir.
Q You have no license or certificate?
A No sir.
Q Are there any people present who have personal knowledge of your marriage?
A There are only a few people living who were there; only two or three that I know of. Mr. Ward may be here.
Q When you made application, did you present any evidence as to your marriage?
A No. The law then required five signers, Cherokee citizens. I got up my petition and went down and got the license and turned it over to the preacher and we were married. That's the last I ever saw of it. The Dawes Commission at Claremore took that up and decided then, as I understand it, that it wasn't necessary to furnish marriage certificate or any evidence of that kind. I am on all the rolls.
Q Did you say there is a person living who was a witness to your marriage?
A Yes.
Q Is that person living in the Cherokee Nation?
A Yes; there two or three or maybe four or more.

The applicant, George W. Eaton, is identified on the Cherokee Authenticated Tribal Roll of 1880, Cooweescoowee District, 1002.

Q Were you ever married more than one time?
A No sir.
Q Was your wife ever married prior to her marriage to you?
A No sir.

T. F. Ward being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A T. F. Ward.
Q How old are you? A 56 years old.
Q What is your post office? A Foyil.
Q Do you know a person in the Cherokee Nation by the name of George W. Eaton?
A Yes sir.
Q You desire to give testimony relative to his right to enrollment as a citizen of the Cherokee Nation?
A Yes sir.
Q Is George W. Eaton a married man?
A No, I don't think he is at this time.
Q He has been married?
A He has been, yes.

Q But his wife is dead?
A Yes sir.
Q What was his wife's name?
A Nan Williams.
Q Do you remember when George W. Eaton was married to his wife?
A No, I can't tell you just the date but it was sometime before '75.
Q Were you present at the marriage ceremony?
A Yes sir.
Q You saw them married?
A I saw them married.
Q Do you know of your own personal knowledge that George W. Eaton secured a license and complied with the laws of the Cherokee Nation relative to marriage?
A So far as I know; the parson read the license and that is as far as I know.
Q Has it always been the understanding among those who knew the parties, that they were married in accordance with the laws of the Cherokee Nation?
A Yes sir.
Q You have known these parties ever since their marriage have you?
A Yes sir.
Q There was never any separation of any kind until the time of the death of Mrs. Eaton?
A None that I know of.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony taken in this case and that the foregoing is a full, true and co rrect transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 5th day of January, 1907.

John E. Tidwell

Notary Public.

E C M Cherokee 4708.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE W. EATON as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on October 22nd, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of George W. Eaton as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 14th, 1902 and January 4th, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George W. Eaton, a white man, was married in accordance with Cherokee law May 17th, 1868 to his wife, Nancy E. Eaton, nee Williams, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No.1003 as a native Cherokee. It is further shown that from the time of said marriage until the death of said Nancy E. Eaton, which occurred in September, 1896, the said George W. Eaton and Nancy E. Eaton resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Nancy E. Eaton in September, 1896 the said George W. Eaton has remained unmarried and continuously lived in the Cherokee Nation. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, George W. Eaton is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 5 1907.

Cherokee
4708.

Muskogee, Indian Territory, December 27, 1906.

George W. Eaton,

Claremore, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock, A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

H.J.C.

Acting Commissioner.

Cherokee 4708

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herwith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of George W. Eaton as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-9
JMH

Commissioner.

Cherokee 4708

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling George W. Eaton as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hazlett Jr.

Attorney for Cherokee Nation.

Cherokee 4708

Muskogee, Indian Territory, February 8, 1907.

George W. Eaton,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-10
JMK

Cher IW 175

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

JOHN T. McSPADDEN

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE 5461.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 16, 1900.

In the matter of the application of John T. McSpadden for the enrollment of himself as a Cherokee by intermarriage, and his wife and five children as Cherokees by blood; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give me your full name? A John T. McSpadden.
Q How old are you? A 48.
Q What is your post office? A Chelsea.
Q Do you live in Cooweescoowee district? A Yes, sir.
Q Do you want to enroll yourself and family? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Five.
Q Are you aCherokee by blood? A No, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate? A (Exhibits paper.)
Q Have you got a license? A Yes, sir, I was married in 1873.
Q Then you are on the roll of 1880? A Yes, sir.
Q Have you and your wife lived together ever since you were married in 1873? A No, sir, not all the time; I was divorced from that woman.
Q To whom were you married in 1873? A Eliza Daniel.
Q Was she a Cherokee woman? A Yes, sir.
Q Is she dead now or alive? A No, sir, she is living.
Q How long did you live with her? A Most ten years.
Q You lived with her until 1882, did you? A Yes, sir.
Q Then you were divorced from her? A Yes, sir.
Q Have you a copy of the decree of divorce? A No, sir, I haven't; it is in Delaware district.
Q Was the divorce granted to you or to your wife? A It was granted to her, I guess, she sued for the divorce.
Q What do you care to state in regard to the circumstances of that divorce; the question is, whether you abandoned your wife, or your wife abandoned you? A I suppose she abandoned me, because she married a very short time afterwards.
Q After the divorce? A Yes, sir.
Q That would have no bearing whatever on the question of whether she abandoned you or you abandoned her? A She abandoned me.
Q What do you wish to state about that? A She can't be satisfied.
Q What is the present name of your former wife? A Eliza Strout.
Q Did your first wife Eliza leave your house and home before the divorce was procured? A Yes, sir, she went to her mother's.
Q You claim, therefore, that she abandoned you? A Yes, sir.
Q And then how did you procure that divorce; was it by her bringing suit or you bringing suit, or by agreement? A It was by agreement, Hooley Bell and Jim Keys were the lawyers.
Q And you claim it was her will and desire and that you assented to having the divorce to mett her wishes? A Yes, sir.
(Reference is made to the testimony in the case Card No. 3692, the same being the application for the enrollment of Frederick W. Strout et al.)
Q Now when did you marry the second time? A In 1885.
(The applicant presents a certificate showing that he was married on the 16th day of December, 1885, to Miss Sallie C. Rogers, the ceremony being performed by the Rev. John W. McCrary. This is filed with the application.)
Q Have you ever been married except upon these two occasions?
A No, sir.
Q Was your present wife ever married except to you? A No, sir.
Q Have you and she lived together ever since you married her in

1885? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since 1880? A Yes, sir.
Q Your present wife is a Cherokee, is she? A Yes, sir.
Q You say you haven't got a copy of the decree of divorce from your first wife? A No, sir.
Q Can you supply the Commission with a copy of it? A I don't know whether I can.
Q Give me the name of the father of your present wife? A Clem V. Rogers.
Q Is he dead or alive? A He is living.
Q Give me the name of her mother? A Mary Rogers.
Q Is she living? A No, sir, she is dead.
Q Has your present wife lived in the Cherokee Nation all her life? A Yes, sir.
Q How old is she now? A 36.
Q Give me the names of your children, please? A Clem Mayes is the first, 13 years old.
Q The next child? A May, nine.
Q The next child? A Herbert Thomas, seven.
Q The next child? A Maud Irene.
Q How old is that child? A Four.
Q The next child? A Helen, one.

(John T. McSpadden on 1880 roll, page 291, No. 1841, Thomas McSpadden, Delaware district, adopted white. Sallie C. McSpadden on 1880 roll, page 161, No. 2333, Sallie Rogers, Cooweescoowee district, native Cherokee; on 1896 roll, page 208, No. 3077, Sallie McSpadden, Cooweescoowee district. John T. McSpadden on 1896 roll, page (216) No. Page 316 699, Thomas J. McSpadden, Cooweescoowee district. Clem M. McSpadden on 1896 roll, page 208, No. 3078, Cooweescoowee district. May McSpadden on 1896 roll, page 208, No. 3079, Cooweescoowee district. Herbert T. McSpadden on 1896roll, page 208, No. 3080, Cooweescoowee district. Maud I. McSpadden on 1896 roll, page 208, No. 3081, (Illinois district.) (Cooweescoowee)

The applicant applies for the enrollment of himself and his wife and five children. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee, she has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. Of the five children, the first four named in the testimony are identified with their parents on the roll of 1896, they are all living, and will be listed for enrollment as Cherokees by blood. When a certificate of the birth of the youngest child is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood. The applicant has been married twice. He is identified under his first marriage on the roll of 1880 as an intermarried white, he being a white man. In 1882 he was divorced from his first wife, said divorce being by mutual consent, and it appears to have been without detriment to the applicant's rights to citizenship. In 1885 he married his present wife, also a Cherokee by blood, and he has lived with her in the Cherokee Nation ever since their marriage. He has lived in the Cherokee Nation ever since his enrollment in 1880. He is identified on the roll of 1896, and he will now be listed for enrollment as a Cherokee by intermarriage.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of November, 1900.

Commissioner.

DEPARTMENT OF
COMMISSION TO THE F
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ACTING CHAIRMAN

1945

Cher
Supp'l to # 5461

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of JOHN T. McSPADDEN, for the enrollment of himself as a citizen by intermarriage, and his wife, SALLIE C. McSPADDEN, and his children, GLEN M., MAY, HERBERT T., MAUD I., HELEN and PAULINE McSPADDEN, as citizens by blood, of the Cherokee Nation:

JOHN T. McSPADDEN, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A John T. McSpadden.
Q How old are you ? A Fifty.
Q What is your post office address ? A Chelsea.
Q Are you a white man ? A Yes sir.
Q Is your name on the roll of 1880 as an adopted white citizen ?
A Yes sir.
Q What was your wife's name in 1880 ? A Sallie C.
Q Is that your present wife ? A Yes sir.
Q Was she your wife in 1880 ? A No sir.
Q Who was your wife in 1880 ? A E. A. Daniels.
Q E. A. Daniels is the wife through whom you are claiming your citizenship ? A Yes sir.
Q Was she on the roll of 1880 with you ? A Yes sir.
Q Is your wife E. A. Daniels dead or alive ? A She's living.
Q Have you been separated from her ? A Yes sir.
Q When did you separate ? A In 1883.
Q Did you live with her from 1880 up to 1883 ? A Yes sir.
Q What was the cause of your separation ?
A She liked another man better.
Q And went off with him ? A Yes sir.
Q Where were you living at the time you were separated ?
A Vinita.
Q How long had you been married to your wife ? A Since 1873.
Q Ten years ? A Yes sir, ten years.
Q What was your occupation at that time ?
A I was a blacksmith, then, and living at Vinita.
Q Did you provide for that wife within your means properly ?
A Oh yes sir.
Q Always a kind and indulgent husband, were you ? A Yes sir.
Q Did you give her any cause to leave your home ?
A I thought not.
Q Did she ever tell you why she left you ?
A She said she preferred going with this other man.
Q What was his name ? A F. W. Strout.
Q Was he a white man ? A Yes sir.
Q Well, did she go off with him ? A Yes sir, she went to Texas; she went to her mother's after she left me, and then went to Texas.
Q With this man Strout ? A Yes sir.
Q How soon after the separation ? A It must have been about two weeks after the divorce.
Q You were divorced from her ? A Yes sir.
Q In what court ? A In the Cherokee court ?
A No sir, not in any court, the Cherokee council passed a law providing that all marriages were civil contracts; and Mr. Bales was my lawyer, and Keyes was hers, and Thompson was deputy clerk.
Q You had no divorce in the courts ? A No sir. They just ~~xxxxxxxx~~ appointed those three arbitrators under the Cherokee law.
Q That was the only kind of a divorce that you had, by these arbitrators ? A Yes sir.

Q These arbitrators decided that you were no longer husband and wife ? A Yes sir.
Q You accepted that decree ? A Yes sir.
Q How long after that before you married Sallie ?
A About two years.
Q Is Sallie C., a Cherokee by blood ? A Yes sir.
Q How long has she been living in the Cherokee Nation ?
A All her life
Q You didn't marry Sallie under a Cherokee license ?
A No sir.
Q You were married as a citizen of the Cherokee Nation ?
A Yes sir.
Q Have you been living with your wife Sallie C., since you married her ? A Yes sir.
Q You have been living in the Cherokee Nation ever since 1880 ?
A Yes sir.
Q Did you have any children by your first wife ? A No sir, we had one or two but they died when they were infants.
Q How many children have you by your wife Sallie C ?
A Six.
Q Are they all living ? A Yes sir.
Q Been living in the Cherokee Nation all their lives, have they ?
A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 13, 1902.

B. A. Jones
Notary Public.

Cherokee 5461.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 4, 1907.

In the matter of the application for the enrollment of JOHN T. McSPADDEN, as a citizen by intermarriage of the Cherokee Nation.

John T. McSpadden, being first duly sworn by B. P. Rasmus, testified as follows:

By the Commissioner:
Q What is your name? A John T. McSpadden.
Q How old are you? A Fifty-four.
Q What is your postoffice address? A Chelsea, I. T.
Q Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q You have no Cherokee blood? A No sir.
Q Your only claim to the right to enrollment is by virtue of your marriage to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of the citizen through whom you claim your right? A Eliza A. Daniels, was her maiden name.
Q Is she living or dead? A Living.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her? A Yes sir.
Q When did you marry her? A In July, 1873.
Q Was she living in the Cherokee country at that time? A Yes
Q Was she your first wife? A Yes sir.
Q Were you her firsy husband? A Yes sir.
Q Did you marry her in accordance with the laws of the Cherokee nation? A Yes sir.
Q Secured a license did you? A Yes sir.
Q In what district was that license issued? A Tahlequah District.
Q Since your marriage to her have you and she lived together continuously in the Cherokee Nation, and lived together as husband and wife? A Yes, up to 1883.
Q You lived together as husband and wife up until 1883? A Yes sir.
Q Did you separate then? A Yes sir.
Q Did she leave you or did you leave her? A She left me and went to her mothers, and lived there 2 or 3 weeks, and then we arbitrated our divorce. We did not go to the courts but just simply had witnesses and divided up our property.
Q You made a division of your property and separated? A Yes.
Q What was the cause of your wife leaving you? Do you know. A Well, her present husband was boarding at out house, and he went to Texas, and she went to Texas after we were divorced and married him.
Q She left you then of her own free will? A Yes sir.
Q And you did not leave her? A No sir.
Q You didn't force her to leave you? A No/ I did not.
Q Do you have any reason to believe that you were in any way responsible for her leaving you? A No, I think not. I

did everything I could to reconcile her.
Q But you were not successful? A No sir.
Q Have you remarried since you and she parted? A Yes sir.
Q Is your present wife living? A Yes sir.
Q What was her name? A Sallie C. Rogers.
Q She is a Cherokee by blood is she? A Yes sir.
Q When did you marry her? A In December, 1885.
Q Since your marriage to Sallie C. McSpadden, have you and she continuously lived together as husband and wife up to the present time? A Yes sir.
Q Have you resided continuously in the Cherokee Nation since your marriage to your first wife? A Yes sir.
Q Have you any evidence of a documentary character showing your marriage to your first wife? A No, the record is all I can refer to.
Q You have no marriage license and certificate to present at this time? A No sir.

The applicant John T. McSpadden is identified on the Cherokee authenticated tribal roll, 1880, Delaware District, opposite No. 1841.

By the Cherokee Nation.
Q What is the name at the present tim of the wife from whom ypu were divorced? A Eliza A. Strout.
Q Where does she live? A Vinita, I. T.

The original martiage records of Tahlaquah District, Book C., which is in the possession of this office, shows the following entry: No. 56 "License granted John T. McSpadden, to marry a Cherokee, Eliza A. Daniel. Ceremony solemnized by James Ketchum, July 31, 1873.

Q As I understand you there was no divorce granted from your first wife? You and she got together in the presence of witnesses and arbitrated? A Yes sir.
Q You divided the property and decided in the presence of these witnesses to dissolve this marriage? A Yes sir.
Q Was this contract of divorce reduced to writing? A Yes.
Q Did you sign it? A Yes sir.
Q Did your wife sign it? A Yes sir.
Q Have you a copy of that contract? A No sir.
Q Who were some of the witness present when that contract was made? A Hooley Bell.
Q Hooley Bell was one of the witnesses? A Yes sir.
Q Can you give me that names of any others? A No, not anyone that is here. James Keys was also present and Joe L. Thompson who was deputy clerk of court of Delaware District. He was there.
Q This contract was satisfactory to both parties? A Yes sir.

Witness excused.

Edward B. Frazier, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Edward B. Frazier.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Vinita, I. T.
Q Do you desire to give testimony as to the right of enrollment of John T. McSpadden as a citizen by intermarriage of the Cherokee Nation? A Yes, I am willing to tell what I know. I know the circumstances.
Q You are acquainted with James T. McSpadden? A Yes, and know his first and second wives.
Q What was his first wife's name? A Eliza Daniels.
Q You were acquainted with her before she was married to John T. McSpadden? A Yes sir, I was acquainted with her when she married him.--just after she married him.
Q Do you know when she and John T. McSpadden separated?
A About 1883 or 1884, somewhere along there.
Q Were you present at the time they separated? A I was present when she got on the cars and left him. When she went south and left him.
Q Do you know why she left him? A No sir.
Q You never heard her give any reason for leaving him?
A No, I heard a friend of hers say that she was going to Texas and marry that man Strout.
Q Did you know this man Strout? A I never saw him until that time.
Q It is your understanding is it that she went to Texas and married this man? A Yes sir.
Q Do you know whether or not there was any divorce or agreement separating John T. McSpadden from his wife, Eliza?
Q Mr. McSpadden told me, and so did his friends, that he gave her the greater part of his property . He gave her a house and lot and some money when they separated. I think $1000 in money and a house and lot if I aint mistaken, which was more than have of his estate at that time.
Q Is it your understanding that he left her or she left him?
A She left him. I heard him say that he would just as soon die as see the woman go and marry this man. Heard him say it right when the cars started off. He was an intimate friend of mine. We had been a great deal together; had been there 7 or 8 years together, and we were very intimate, and that was the very expression he used as she took that train south.

Witness excused.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her shorthand notes thereof.

Frances R. Lane

Subscribed and sworn to before me this 5th day of January, 1907

Edward Merrick
Notary Public.

C.F.B. Cherokee 5461.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOHN T. McSPADDEN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, November 16, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of John T. McSpadden as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 24, 1902, and January 4, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John T. McSpadden, was married in accordance with Cherokee law July 31, 1873, to one Eliza A. Daniels, a recognized citizen by blood of the Cherokee Nation, and who is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District, No. 1842, as a native Cherokee; that the said John T. and Eliza A. McSpadden resided together as husband and wife in the Cherokee Nation until the year 1883, when said Eliza A. McSpadden left her said husband without other cause than an apparent dislike for him, and that they have since lived separate and apart; that in the year 1885 the said John T. McSpadden married one Sallie C. Rogers, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 2333, as a native Cherokee, and whose name appears on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 3071. It is further shown that since said marriage the said John T. and Sallie C. McSpadden have resided together as husband and wife, and have continuously lived in the Cherokee Nation. Said applicant is duly identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

In view of the foregoing, it is considered that, following the ruling of the Department in the case of Andrew Brimmer (I.T.D. 3299-02), the right to citizenship in the Cherokee Nation acquired by said John T. McSpadden by virtue of his marriage to Eliza A. Daniels July 31, 1873, has not been forfeited or lost.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated

November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John T. McSpadden, is entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 8 1907

Cherokee 3461

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of John T. McSpadden as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.K-7
JMH

Cherokee 5461

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John T. McSpadden as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 8441

Muskogee, Indian Territory, February 8, 1907.

John T. McSpadden,

Chelsea, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-8
JMM

Commissioner.

Cher IW 176

Cher IW 176

6,E.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

FREDERICK W. GULAGER

as a citizen by intermarriage of the Cherokee Nation.

Cheokee 5982.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd 1900.

In the matter of the application of Martha L. Gulager for the enrollment of herself, husband and three children as Cherokee citizens. She being sworn before Commissioner BBeckinridge testified as follows

Q What is your name? A. Martha L. Gulager
Q How old are you? 55.
Q What is your post office? A. ~~Eureka~~ Eureka, I. T.
Q Are you living in Tahlequah district? A. Yes sir.
Q Who is it that you want to have enrolled? A. Myself, husabnd and three children.
Q Are you a Cherokee by blood? A. Yes sir.
Q What is your husband? A. A white man
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. Martin Schrimpscher.
Q Is he dead or alive? A. Dead.
Q Give me the name of your mother? A. Elizabeth
Q Is she dead or alive? A. Dead
Q Have you ever been married more than once? A. Only once.
Q When were you married to your husband? A. In 1869
Q Has he lived with you ever since you were married to him? A. Yes sir.
Q Give me your husbands full name? A. Fredrick W. Gulager
Q How old is your husband? A. About 56.
Q Give me the names of your children? A. Mary E. Q How old? A. 20
Q Next child? A. Henry G. Q How old? A. 17.
Q Next child? A. John D. Q How old? A. 13.
Q Are these children all living at this time? A. Yes sir.

1880 roll, page	761,	No 800,	Martha L. Gulegar,	Tahlequah.
1880	761	799	F. W. Gulegar "	"
1880	762	806	Mary E. Gulegar	"
1896	1174	1195	Martha L. Gulager	"
1896	1280	85	Frederric W. Gulager	"
1896	1174	1198	Mary E. Gulager	"
1896	1174	1199	Henry G. Gulegar	"
1896	1174	1200	John D. Gulegar,	"

The applicant applied for the enrollment of herself, husband and 3 children. She is identified on the roll of 1880 and also on the roll of 1896 as a native Cherokee. She has lived in the Cherkee Nation all her life and she will be listed now for enrollment as a Cherokee by blood. She and her husband were married in 1869, they have lived together ever since. He is a white man. He is identified on the roll of 1880 and 1896, and he will be listed now for enrollment as a Cherokee by inter-marriage. The oldest child of the three named in the application, Mary E. is identified on the 1880 and 1896 rolls. She is still a minor, is living and will be listed for enrollment as a Cherkee by blood. The two younger children Henry G. and John D. are identified on the 1896 roll, they are living and will be listed for enrollment as Cherokee citizens by blood.

Chas. von Weise on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings in the above cause and the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 3rd of December, 1900

Commissioner.

Cherokee 5982.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of Frederick W. Gulager for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Martha L. Gulager, and his three minor children, Mary E., Henry G. and John D. Gulager, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MARTHA L. GULAGER, being sworn, testified as follows:

By the Commission,

Q What is your name? A Martha Gulager.
Q Martha L., is it? A Yes, sir.
Q How old are you? A Fifty-five or six.
Q What is your postoffice? A Eureka.
Q Are you a Cherokee by blood? A Yes, sir.
Q What is your husband's name? A F. W. Gulager.
Q Frederick W. Gulager, is it? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q Is he on the roll of '80 as an adopted white citizen? A Yes, sir.
Q He claims his citizenship through you, does he? A Yes, sir.
Q No, have you and your husband been living together in the Cherokee Nation since 1880? A Yes, sir.
Q Never been separated, have you? A No, sir.
Q Living together now? A Yes, sir.
Q And you have made your home in the Cherokee Nation for the past twenty-two years? A Yes, sir.
Q Never lived anywhere else, have you? A No, sir.
Q How many children have you living at home? A Four.
Q What are their names? Let me ask you this - is Mary E. living at home, Henry G., John D.; they are at home with you? A Yes, sir.
Q All living? A Yes, sir.
Q I suppose the others are old enough to enroll themselves?
A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 14th day of November, 1902.

Notary Public.

Cherokee No. 5982.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 8, 1907.

In the matter of the application of Frederick W. Gulager for enrollment as a citizen by intermarriage of the Cherokee Nation.

William M. Gulager appears in behalf of the applicant, and after being first duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A William M. Gulager.
Q What is your age? A 34.
Q What is your postoffice address? A Muskogee.
Q In whose behalf do you appear here today? A My father, Frederick W. Gulager.
Q Did Frederick W. Gulager claim to be a citizen by intermarriage of the Cherokee Nation? A Yes, sir.
Q Through whom did he claim such citizenship? A By marriage to my mother, Martha L. Schrimsher.
Q When were Frederick W. Gulager and Martha L. Gulager married?
A In 1869.
Q Were they married under a license of the Cherokee Nation?
A Yes, sir.
Q Have you a copy of that license? A I have.

Witness presents an instrument purporting to be a certified copy of a marriage license issued on January 26, 1869, by W. P. Boudinot, Clerk of District Court, Illinois District, Cherokee Nation, authorizing the marriage of Frederick W. Gulager to a Cherokee citizen. Said instrument further purports to show that Frederick W. Gulager was married to Martha L. Schrimsher under said license by W. Morris Grimes, Chaplain United States Army. This instrument is signed by W. H. Walker, Assistant Executive Secretary of the Cherokee Nation, but does not bear the seal of said Nation. Said instrument returned to the witness in order that the seal of the Nation may be attached. When this certified copy of the marriage license has been properly sealed you can return and file the same with the records in this office.

Q Was Frederick W. Gulager married prior to his marriage to Martha L. Schrimsher? A No, sir.
Q Was Martha L. Schrimsher married prior to her marriage to Frederick W. Gulager? A No, sir.
Q Is Frederick W. Gulager living at this time? A He is.
Q Why was he unable to appear here today? A He is sick in bed.
Q Is Martha L. Gulager living at this time? A She is.
Q Where do Frederick W. Gulager and Martha L. Gulager reside at the present time? A They live at Eureka, about six miles west of Tahlequah, Cherokee Nation.
Q Have Frederick W. Gulager and Martha L. Gulager lived together continuously as man and wife within the Cherokee Nation from the

date of their marriage until the present time? A They have.
Q Do you know whether or not Frederick V. Gulager ever applied to any of the tribunals of the Cherokee Nation to be admitted to citizenship, that is, into the Cherokee courts or Council?
A No, sir.

The name of the applicant, Frederick V. Gulager and his wife, Martha L. Gulager, appear on Cherokee Field Card No. 5982, and included in the 1880 authenticated roll of citizens of the Cherokee Nation, Tahlequah District, opposite numbers 799 and 800. The applicant's wife, Martha L. Gulager, is included in the approved partial roll of citizens of the Cherokee Nation by blood opposite No. 14296? The applicant and his wife are also included on the 1896 roll opposite numbers 85 and 1174, respectively.

WITNESS EXCUSED.

F. Elma Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of her stenographic notes therein.

F. Elma Lane

Subscribed and sworn to before me this 8th day of January, 1907.

Walter W. Chappell
Notary Public.

CERTIFIED COPY.

From the records in the possession of this office, Marriage Record. Book "A". Illinois District, Cherokee Nation appears the following entry.

Jany 26,1869.

Issued License of Marriage to F.W. Gulager to marry Martha Schrimpsher.

Gulager

Schrimpsher.

- - - - - - - - - - - -

Clerks Office Dist. Court.)
Illinois Dist Cherokee Nation.)

Gulager: To any regular Minister of the Gospel of an Evangelical Denomination, or Judge of a Cherokee Court to whom these may come, greeting.
Schrimpsher:

The bearer, Frederick W. Gulager, a citizen of the United States, having obtained such a recommendation as is required by the Law "Regulating intermarriages with Whitemen", and presented the Same to this office with an application for a license for marriage-- You are hereby authorized to Solemnise the rites of Matrimony between him, F.W. Gulager and the Cherokee Lady to whom he signifies his desire to be wedded, according to the form and ceremony usual and practised in your Church or Office, and this shall be your warrant for So doing.

Please afterwards, attach the requisite Certificate, specifying the names of the parties, and return by bearer to this office for Record.

Gulager:

Given on this Jany.26th 1869.
(Signed) W.P. Boudinot
Clk. D.C. Ill Dist

Oath admisintered this Jany 26" 1869.
Schrimpsher: (Signed) W.P. Boudinot, Clk.

Fort Gibson, Cherokee Nation.
Jany 27" 1869.

"To all whom it may concern"

I hereby certify that I, this day Solemnised the marriage of Mr. Frederick W. Gulager and Miss Martha L. Schrimpsher, under a license from the Clk of the Illinois District Court, Cherokee Nation.

(Signed) W. Morris Grimes.

Chaplain U.S. Army.

A true copy from the original.

(Singed) W.P. Boudinot.
Clk Dist Court. Ill. Dist.

Jany 29" 1869.

I Harriett E. Arbuckle, on oath swear that the above and foregoing is a true, full and correct of the original instrument now on file in the records of this office.

Harriett E Arbuckle

Subscribed and sworn to before me this 5 day of February 5,1907.

Frances Mane
Notary Public.

C E W

Cherokee 5982.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FREDERICK W. GULAGER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 3, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Frederick W. Gulager as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 17, 1902 and January 7, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Frederick W. Gulager, a white man, was married in accordance with Cherokee law January 29, 1869 to one Martha L. Gulager, nee Schrimpsher, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District, Page 761 No.800, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.14296; that since said marriage the said Frederick W. Gulager and Martha L. Gulager have resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos.125,126,127 and 128, the said applicant, Frederick W. Gulager, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1[illegible] 1907.

Cherokee 5982

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, granting the application for the enrollment of Frederick W. Gulager as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Enc I-2

Commissioner.

RPI

Cherokee 5982

Muskogee, Indian Territory, February 12, 1907

The Commissioner tothe Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknolwedged of the testimony and of your decision enrolling Frederick W. Gulager as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 5982

Muskogee, Indian Territory, February 12, 1907

Frederick W. Gulager,

Eureka, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Enc I-4 Commissioner.

HPI

Registrar.

Cher IW 177

Cher IW 177

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

SARAH PHILLIPS

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 7240.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEBUARY 7th, 1901.

IN THE MATTER OF THE APPLICATION OF Henry P. Phillips for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and the said Phillips being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Henry P. Phillips.
Q How old are you? A About fifty two yearsold .
Q What is your Postoffice? A Texanna.
Q In what district do you live? A Canadian District.
Q Do you wnt to enroll yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Three children.
Q Are these children all under twenty one years of age?
A There is two of them that is.
Q Are they unmarried? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q A white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A I was born in the Cherokee Nation and have lived in the Cherokee Nation since 1868; was away time of the war and came back in '68.
Q Give me the name of your father? A Elijah Phillips.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Sidney Phillips.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Sarah.
Q How old is she? A Right close to fifty four.
Q When were you and she married? A In '68.
Q Have you lived together ever since you were married? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.
Q What was her name before you married her?
A Her name was Henderson.
Q Give me the names of these three children? A Elmer Lee.
Q How old is he? A Twenty four.
Q The next child? A Rexie E.
Q How old is that child? A She's fifteen.
Q The next child? A Henry C.
Q How old is he? A Twelve years old.
Q Are these children all living now? A Yes sir.

Elmer L. Phillips, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A Elmer L. Phillips.
Q How old are you? A Twenty four.
Q You are the son of Henry Phillips here? A Yes sir.
Q Your mother's name is Sarah? A Yes sir.
Q Are you living with your father? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.

APPLICANT, HENRY P. PHILLIPS, RECALLED:
Q Do you go by the name of Dock Phillips? A Yes sir.
Q In what district were you in 1880? A I was born in Goingsnake.

(1880 Authenticated Roll of citizens of the Cherokee Nation examined, and on Page 461 thereof, number 1299 appears the name of the applicant, as "Dock Phillipps", Goingsnake District. Applicant's wife's name found on same Roll, Page 461, number 1300, Sarah Phillipps, Goingsnake District. Applicant's son's name found on same Roll, Page 461, Number 1304, as "Elmo Phillipps, Goingsnake District)

(1896 Census Roll of citizens of the Cherokee Nation examined, and on Page 87 thereof appears the name of applicant, as Henry P. Phillips, Canadian District) — (1896 Census Roll examined, and on Page 91 thereof, Number 217 appears the name of applicant's wife, as Sarah Phillips, Canadian District)
(1896 Census Roll examined and on Page 87 thereof appears the names of applicant's children as follows: Number 1542, Elmer D. Phillips; Number 1543, Roxie Phillips,; Number 1544, Henry C. Phillips, all of Canadian District)

Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and three children, one of whom is twenty four years of age, but who appears in the course of the examination. The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life except an absence incident to the Civil War, and he will now be listed for enrollment as a Cherokee by blood.

His wife is a white woman: He states that they were married in 1868 and have lived together and in the Cherokee Nation ever since that time: She is identified with him on the rolls of 1880 and 1896 as an adopted Cherokee, and she will be listed for enrollment as a Cherokee by adoption.

The oldest child, Elmer L. Phillips, who appears in the course of the examination, is of age; is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

The two younger children, Roxie E. and Henry C. Phillips are duly identified on the roll of 1896; they are living; and will be listed for enrollment as Cherokees by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of Febuary, A. D., 1901.

COMMISSIONER.

7240

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 8 1901

ACTING CHAIRMAN

Cher # 7240

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of HENRY P. PHILLIPS, for the enrollment of himself and his children, ELMER L., ROXIE E. and HENRY C. PHILLIPS, as citizens by blood of the Cherokee Nation; and his wife Sarah Phillips as a citizen by intermarriage of the Cherokee Nation:

SARAH PHILLIPS, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Sarah Phillips.
Q What is your age at this time ? A Fifty six.
Q What is your post office ? A Texana.
Q What is your husband's name ? A Henry P. Phillips.
Q Are you the same Sarah Phillips for whom application was made in February, 1900, for enrollment as an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q Your age was give at the time of the application as sixty four, is that a mistake ? A Yes sir, that's a mistake.
Q It should have been fifty four instead of sixty four ?
A Yes sir.
Q Is your husband living now ? A No sir.
Q Was he a Cherokee by blood ? A Yes sir.
Q When did he die ? A Last May was a year ago.
Q When were you and he married ?
A I don't know whether I can tell when.
Q Was it before or after 1880 ? A It was before 1880.
Q Well did you and your husband Henry P. Phillips live together as husband and wife from 1880 up until his death ? A Yes sir.
Q You were never separated ? A No sir.
Q You never married since his death ? A No sir.
Q You were still a widow and single on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since 1880 up to the present time ? A Yes sir.
Q Are these children, Elmer L., Roxie E., and Henry C., your children by your husband Henry P. Phillips ? A Yes sir.
Q Are these children living at this time ? A Yes sir.
Q Have they lived in the Cherokee Nation all their lives ?
A Yes sir.
Q Your oldest son Elmer L., is of age isn't he ? A Yes sir.
Q Where is he ? A He is living at home at Texana.
Q Was he living there in 1901 ? A Yes sir.
Q Why did he not appear himself and make application ? Was he sick at the time ?
A I don't remember, he had a spell of sickness, but I don't remember whether it was at that time or not.
Q It was a year ago last February ?
A Well, he had a spell of sickness somewheres along then.

E.C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E.C. Bagwell

Subscribed and sworn to before me this October 21, 1902.

B.B. Jones
Notary Public.

CHEROKEE-7240:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 4, 1907.

In the matter of making proof of the marriage of Sarah Phillips to her Cherokee husband, prior to November 1, 1875.

Sarah Phillips, being sworn by W. W. Chappell, a Notary Public, testified as follows:

COMMISSIONER:

Q. What is your name? A. Sarah Phillips.
Q. What is your age? A. 61.
Q. What is your post office address? A. Catoosa.
Q. Do you claim citizenship by intermarriage in the Cherokee Nation A. Yes sir.
Q. Through whom do you claim such citizenship? A. My husband, Henry P. Phillips.
Q. Is Henry P. Phillips living now? A. No sir.
Q. When did he die? A. 5 years ago last May.
Q. What was his citizenship? A. He was a Cherokee by blood.
Q. When were you married to him? A. In '67.
Q. What month? A. October.
Q. Where were you married? A. In Arkansas.
Q Were you married under a license issued by the State of Arkansas A. There were no licenses issued at that time.
Q. Have you any documentary evidence covering the marriage -- any papers or anything showing the marriage? A. No sir, I have no papers.
Q. When did you remove to the Cherokee Nation? A. 3 days after we were married.
Q. Did you live together as man and wife from the time of your removal to the Cherokee Nation until the death of your husband? A. Yes sir.
Q. Was your husband recognized on the rolls of the Cherokee Nation? A. Yes sir.
Q. Do you know which rolls? A. No sir, I don't remember.
Q. Were you married prior to your marriage to Henry P. Phillips? A. No sir.
Q. Was Henry P. Phillips ever married before he married you? A. No sir.
Q. You say you lived together continuously as man and wife in the Cherokee Nation from 1867 until his death? A. Yes sir.
Q. By whom were you married? A. A preacher.
Q. There were no license issued, you say? A. No sir.
Q. There were no papers give to you or your husband at the time of the marriage, by the preacher? A. No sir.
Q. Have you married since the death of Henry P. Phillips? A. No sir.

(Commissioner -- Sarah A. Phillips appears upon the 1880 roll opposite No. 1300, Going Snake District. The records of this office

show that Henry P. Phillips, applicant's husband, was on the 1880 roll opposite No. 1299, Going Snake District, and that he died prior to September 1, 1902, an order of dismissal was entered March 31, 1905; death affidavit was approved October 13, 1902. The name of the applicant also appears upon the 1896 Census Roll, opposite No. 217, Canadian District.)

Q. Is there any one here who was present at your marriage to Henry P? PHillips? A. No sir, I don't think there is.
Q. Are any of the witnesses to that marriage living now? A. Yes sir.
Q. Who are they? A. One is Frank Phillips, my brother-in-law.
Q. Where does he reside? A. In Canadian District, near Cheootah.

Witness excused.

Eula Jeanes Branson, being sworn, states that she correctly reported the proceedings had in the above and foregoing on the 4th. day of January, 1907.

Eula Jeanes Branson

Subscribed and sworn to before me this 4th. day of January, 1907.

Edward Merritt
Notary Public.

F.R. Cherokee Field Card No.7240.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 5, 1907.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarah Phillips as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: J. Frank Phillips appears on behalf of applicant.

J. FRANK PHILLIPS, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A J. Frank Phillips.
Q What is your age? A 54.
Q What is your post office address? A Texanna.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know Sarah Phillips? A Yes sir.
Q Are you related to her? A Yes sir.
Q What relation? A She is my sister-in-law, my brother's widow.
Q What is the name of your brother? A Henry P. Phillips.
Q When was she married to Henry P. Phillips? A In '67.
Q Where was she married to Henry P. Phillips? A In Cook County, Arkansas.
Q Was her marriage to him under a license of the State of Arkansas? A Yes sir.
Q Do you know who issued that license? A No sir, I dont.
Q Do you know who married them? A I dont remember his name; I know the man.
Q You were present at the marriage ceremony, were you? A Yes sir, but I was just a boy.
Q Do you know what became of that marriage license? A No sir.
Q Do you know whether or not it was filed for record? A No sir.
Q Have you ever endeavored to secure a certified copy of it? A No sir.
Q Do you know when Henry P. Phillips and his wife, Sarah Phillips, removed to the Cherokee Nation? A Yes sir.
Q When? A It was in '67.
Q Following their marriage? A Yes sir.
Q How soon after their marriage? A Well sir, I dont know just exactly; it was somewhere about two weeks.
Q Where did they locate in the Cherokee Nation? A Going Snake District.
Q Is Henry P. Phillips living? A No sir.
Q When did he die? A 5 years ago.

F.R.

Cherokee 7240 - 2.

Q Did Henry P. Phillips and his wife, Sarah Phillips, live together as husband and wife continuously from the time of their removal to the Cherokee Nation until the time of his death? A Yes sir.
Q Was Sarah Phillips ever married prior to her marriage to Henry P. Phillips? A No sir.
Q Was Henry P. Phillips ever married prior to his marriage to Sarah Phillips? A No sir.
Q Do you know whether or not, when Henry P. Phillips and his wife, Sarah Phillips, removed to the Cherokee Nation they were again married, in accordance with Cherokee tribal laws? A No sir, I know they wasn't.
Q Has Sarah Phillips married since the death of her husband, Henry P. Phillips? A No sir.

"As this marriage was under a license of the State of Arkansas, you should endeavor to secure and file with the Commissioner to the Five Civilized Tribes a certified copy of such license."

WILLIAM B. BECK, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A William B. Beck.
Q What is your age? A 59.
Q What is your post office address? A Fawn.
Q Do you know Sarah Phillips? A Yes sir.
Q Are you related to her? A No sir, only by marriage; her husband and my wife were cousins.
Q Do you know that she married Henry P. Phillips? A No sir, not of my own personal knowledge; of course I heard it.
Q You were not present at their marriage? A No sir.

M. J. BECK, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A M. J. Beck.
Q You are the wife of William B. Beck, who has just appeared on the stand, are you? A Yes sir.
Q Are you related to Sarah Phillips? A Nothing, only just by marriage.
Q You know that she was married to Henry P. Phillips? A Well, I dont know that she was, but he brought her down the day after their marriage to my uncle's , Henry P. Phillips' father's house.
Q When was that? A In '67.

F.R.

Cherokee 7240 - 3.

Q Do you know where t hey were married? A Yes sir, in Cook County, Arkansas.

Q Do you know who performed the ceremony? A A man by the name of Barber was the man that they said performed it.

Q Upon the removal of Henry P. Phillips and his wife, Sarah Phillips, to the Cherokee Nation in 1867, were they remarried, in accordance with the Cherokee laws? A Not that I know of.

Q Did they live together continuously as man and wife, within the Cherokee Nation, from the time of their removal to such Nation in 1867 until the death of Henry P. Phillips? A Yes sir.

Q They were held out in the community as man and wife? A Yes sir.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing tes timony, and that the same is a full, true and correct transcript of her stenographic notes thereof.

Sarah Walker

Subscribed and sworn to before me this 5th day of January, 1907.

John E. Tidwell
Notary Public.

Cherokee 7240.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SARAH PHILLIPS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 7, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah Phillips as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 13, 1902, and January 4 and 5, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sarah Phillips, a white woman, was married in accordance with Cherokee law in the year 1867, to one Henry P. Phillips, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and who is identified upon the Cherokee authenticated tribal roll of 1880, Going Snake District, page 461, number 1299, as a native Cherokee; that said Sarah Phillips, and Henry P. Phillips resided together as husband and wife and continuously lived in the Cherokee Nation until his death which occurred in May 1900; that said Sarah Phillips has not married since the death of said Henry P. Phillips and continuously lived in the Cherokee Nation. Applicant is identified upon the Cherokee authenticated tribal roll of 1880, and the Cherokee Census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Sarah Phillips, is entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 8 1907

Cherokee 7248

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of Sarah Phillips as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-11
JMH

Commissioner.

Cherokee 7240

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Sarah Phillips as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Wachter

Attorney for Cherokee Nation.

Cherokee 7240

Muskogee, Indian Territory, February 8, 1907.

Sarah Phillips,

Texanna, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-12
JMH

Commissioner.

Cher I W 178

Cher I W 178

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

NOAH WHISSENHUNT

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 7368.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 26th, 1901.

In the matter of the application of Nancy J. Whisenhunt for the enrollment of himself, husband and child as citizens of the Cherokee Nation; said Whisenhunt being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Nancy J. Whisenhunt.
Q How old are you? A I am 64.
Q What is your post office address? A Texana.
Q What district do you live in? A Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Who do you want to enroll? A My youngest son, my husband, will you allow me to enroll him.
Q Why is not he here? A He was not able to come here; his name is Noah Whisenhunt.
Q White man is he? A Yes, sir.
Q How old is he? A He is 67.
Is his post office Texana? A Yes, sir.
Q What is the name of your child you wish to enroll? A Frederick.
Q How old is he? A 17.
Q When were you and Noah Whisenhunt married? A Been so long I have forgotten it.
Q You were married before 1880? A Yes, sir, I have been married 42 years.

Tribal Rolls of the Cherokee Nation examined and applicants' names found thereon as follows:
1880 Authenticated Roll; page 486, #1862, Noah Whisenhunt, Going Snake district.
1880 Authenticated Roll; page 486, #1863, Nancy Whisenhunt, Going Snake district.
1896 Census Roll; page 94, #306, Noah Whisenhunt, Canadian district.
1896 Census Roll; page 79, #2188, Nancy Whisenhunt, Canadian district.
1896 Census Roll; page 79, #2192, Fred Whisenhunt, Canadian district.

Q How long have you lived in the Cherokee Nation? A Well it has been; I staid in the Cherokee Nation until I was 12 years old and I went away and staid until I was grown and come back and have been here ever since.
Q Have you and Mr. Whisenhunt been living together ever since you married? A Yes, sir.
Q Is Frederick alive and living with you? A Yes, sir.

Com'r Needles:--The name of Nancy J. Whisenhunt appears upon the authenticated of 1880 as Nancy Whisenhunt. The name of her husband, Noah Whisenhunt, appears upon the authenticated roll of 1880 as an intermarried white. Their names also appear upon the census Roll of 1896. The name of her child, Frederick, is found upon the census roll of 1896. They are duly identified and make satisfactory proof as to residence, consequently Nancy J. Whisenhunt and her son, Frederick, will be duly listed for enrollment as Cherokee citizens, by blood and her husband, Noah Whisenhunt, as a Cherokee citizen by intermarriage.

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Nancy J. Whisenhunt--2.

J. O: Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 26th day of February 1901.

Commissioner.

a 7387

DEPARTMENT OF THE IN
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 27 1901
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 10th, 1902.

In the matter of the application of Noah Whisenhunt for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Nancy J. Whisenhunt, and his son, Frederick Whisenhunt, as citizens by blood of the Cherokee Nation.

Supplemental to #7368.

NOAH WHISENHUNT, being duly sworn, testified as follows:-
Examination by the Commission.

Q. What is your name, please? A. Noah Whisenhunt.
Q. What is your post office address? A. Texanna.
Q. What is your age at this time? A. I will be 68 the 27th day of this coming month.
Q. Are you the same Noah Whisenhunt who applied to this Commission for enrollment as an intermarried citizen in February, 1901?
A. Yes, sir.
Q. What is your wife's name? A. Nancy.
Q. Is she living? A. Yes, sir.
Q. Is she a citizen by blood of the Cherokee Nation? A. Yes, sir.
Q. When were you married to your wife Nancy? A. Why, we was married about the 28th day of December, 1850, in Arkansas.
Q. In the state of Arkansas? A. Yes, sir.
Q. When did you come, then, to the Territory--Cherokee Nation?
A. We come in '67. I liged in the states until '67.
Q. Then you came in '67? A. Yes, sir.
Q. Did you ever marry your wife under a Cherokee license?
A. Yes, sir; about '72, I think. I ain't positive, but I think in '72.
Q. Were you ever married before you married this wife? A. Yes, sir; once.
Q. To a white woman? A. Yes, sir.
Q. Was that white woman dead? A. Oh, yes.
Q. Was Nancy ever married before she married you? A. No, sir.
Q. You are Nancy's first husband? A. Yes, sir.
Q. She is your second wife? A. Yes,sir.
Q. Have you and your wife Nancy J. lived together all the time as husband and wife since 1880 up to the present time?
A. We have.
Q. Never been separated? A. No, sir.
Q. You have never married any other woman since 1880, have you?
A. No, sir.
Q. Were you living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. Have you and your wife Nancy lived together in the Cherokee Nation from 1880 up to the present time? A. We have.
Q. Is this Frederick your son by your wife Nancy?
A. Yes, sir.
Q. Is he living at this time? A. Yes, sir.
Q. Has he lived in the Cherokee Nation all his life? A. Yes, sir.
Q. Never lived out of the Nation? A. Never has.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 18th day of December, 1902.

F. G. Reuter

Notary Public.

7368

COMMISSION TO THE
RECEIVED
DEC 13 1902

ACTING CHAIRMAN

BOSTON, MASS.

Dec 1 1902

Gentlemen:

I have the honor to acknowledge receipt of your letter of the 9th inst. in which you state that as the time and conditions of the proposed examination for Chief Engineer of the Commission to the Panama Canal, I have the honor to inform you that I am not a candidate for the position.

Yours very truly,

Chas. O. Carr,

Chief Engineer.

F.R. Cherokee 7368.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 14, 1907.

In the matter of the application for the enrollment of Noah Whisenhunt as a citizen by intermarriage of the Cherokee Nation.

Noah Whisenhunt, being first duly sworn by B. P. Rasmus, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Noah Whisenhunt.
Q How old are you? A Seventy-three.
Q What is your postoffice address? A Oolagah, I. T.
Q You are a white man, not possessed of any Indian blood?
A No, not that I know of.
Q You claim the right to enrollment by virtue of your intermarriage in the Cherokee Nation? A Yes sir.
Q Through whom do you claim that right? A Nancy J. Philips.
Q Was she a recognized citizen by blood of the Cherokee Nation at the time you married her? A Yes sir.
Q When were you married to Nancy J. Whisenhunt? A I was married twice.
Q When were you married the first time to her? A I was married the 28th day of December, 1859.
Q Where you married to her in 1859? A In Arkansas, Polk County
Q When did you remove to the Cherokee nation? A Moved in 1867
Q Upon your removal to the Cherokee Nation were you remarried in accordance with the laws of the Cherokee nation? A I was, I have got my Cherokee license.
Q Was that your license that you obtained in the Cherokee nation, this second marriage? A Yes sir.
Q What district? A Going Snake District.
Q Who issued the license? A Judge Thornton.
Q Who performed the marriage ceremony, that is, under the Cherokee license? A Judge Thornton.
Q When was this marriage under the Cherokee law? In what year
A To the best of my knowledge--I couldn't say for sure, but it was in 1872 I am most sure; it was not later than that.
Q Were you ever married prior to the time of your marriage to Nancy J. Whisenhunt? A Yes sir.
Q Who was your first wife? A She was a Howell.
Q Was she living at the time you married Nancy J. Whisenhunt?
A No sir.
Q Were you Nancy J. Whisenhunt's first husband, or has she been married prior to the time she married you? A I was her first husband.
Q Have you a copy of the license or any documentary evidence showing your marriage to Nancy J. Whisenhunt in 1872 under Cherokee license? A I have filed it with the Dawes Commission. This Commission has got it somewhere.
Q Was it the original license or a copy that you filed? A It was the original license; it was the same one I got from the

clerk. His name was to them and the dates, and everything.
Q About when was that turned over to the Commission? A It was in 1896 sometime.
Q Where was the Commission in session when you delivered that license to them? A I declare, I have forgot. I believe it was at Vinita but I don't know; I sent them to the Commission.
Q You didn't deliver them in person? A No sir.
Q You sent them by mail? A Yes sir.

The records of this office show that on September 10, 1896, there was filed by Noah Whisenhunt, original marriage license authorizing his marriage to Nancy philips, which marriage license appears to have been issued May 2, 1870 by John Thornton, Clerk of the District Court, Going Snake District, Cherokee Nation, Said license is filed with and made a part of the record in this case.

Q Is Nancy J. Whisenhunt living at this time? A She is;-was this morning.
Q Have you and Nancy J. Whisenhunt lived together as husband and wife from the time of your marriage up to the present time? A We have, every day.
Q You have resided continuously in the Cherokee Nation? A Yes.
Q Since your marriage to Nancy J. Whisenhunt in 1870, have you been recognized on the rolls of the Cherokee Nation as an intermarried citizen? A Yes sir.
Q You have voted at the elections have you? A Yes, voted in all the elections, and sat on juries.

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, opposite No. 1862.
The applicant's wife, Nancy J. Whisenhunt, is identified on said roll opposite No. 1863, and is also included in the approved partial roll of citizens of the Cherokee Nation opposite No. 17486.

Witness excused.

William B. Beck, being first dulu sworn, testified as follows:
Q What is your name? A William B. Beck .
Q What is your age? A 1858.
Q What is your postoffice address? A Fawn, I. T.
Q You appears here for the purpose of giving testimony relative to the application for the enrollment of Noah Whisenhunt as a citizen of the Cherokee Nation? A Yes sir.
Q How long have you known Noah Whisenhunt? A I have known him since I suppose 1860-61.
Q Did you know his wife? A Yes, I knew her.
Q Noah Whisenhunt and Nancy J. Whisenhunt have lived together as husband and wife and resided continuously in the Cherokee nation from the time of their marriage until the present time, have they? A Yes sir.

Witness excused.

Frances R. Lane upon oath states that as stenographer to the commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.
Frances R Lane
Subscribed and sworn to before me this January 18, 1907.
Edward C. Merrill
Notary Public

Cherokee Nation
Going Snake Dist,

To all whom it may concern be it known that authority is hereby granted to any of the Judges of any of the Courts of in the Cherokee Nation and all ministers of all Evangelical denominations having the care of souls are hereby authorised and empowered to solemnise the of matrimony according to the ceremonies usually observed and performed in such cases between Mr. Noah Whisenhunt and Miss Nancy J. Whisenhunt formerly Miss Nancy Philips a Cherokee sitison he the said Noah Whisenhunt having complyed with the Law in such cases this given from under my hand in office this the 2nd day of May 1870.

John Thornton Clk Dist Court
G. S. Dist. C. N.

The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of the original marriage license in file in this office.

Myrtle Hill.

Subscribed and sworn to before me this the 5th day of February, 1907.

Chas E Webster
Notary Public.

Cherokee 7368

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of NOAH WHISENHUNT as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 26, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Noah Whisenhunt, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, October 10, 1902, and January 14, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Noah Whisenhunt, a white man, was married in accordance with Cherokee law in the year 1872, to one Nancy J. Whisenhunt, nee Phillips, who at the time of said marriage was a recognized citizen by blood of the Cherokee Nation, who is identified upon the Cherokee Authenticated tribal roll of 1880, Going Snake District, page 486, number 1863, as a native Cherokee and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite number 17486; that said Noah Whisenhunt and Nancy J. Whisenhunt, have resided together as husband and wife and have lived continuously in the Cherokee Nation. Said applicant is identified upon the Cherokee authenticated tribal roll of 1880, and the Cherokee Census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Noah Whisenhunt, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat, 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 11 1907

Cherokee 7368

Muskogee, Indian Territory, February 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, granting the application for the enrollment of Noah Whisenhunt as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-36
JMH

Cherokee 7368

Muskogee, Indian Territory, February 11, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Noah Whisenhunt as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 7368

Muskogee, Indian Territory, February 11, 1907.

Noah Whisenhunt,

Gologah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 11, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-35
JMH

Commissioner.

Cher IW 179

Cher IW 179

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

GEORGE ZUFALL

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.10194.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 15, 1901.

In the matter of the application of Maggie Tufall for the enrollment of herself, husband and children as Cherokee citizens; she being sworn, and examined by the Commission, testified as follows:

Q What is your name? A Maggie Tufall.
Q What is your age? A 46.
Q What is your postoffice address? A Muskogee.
Q For whom do you make application; anyone besdies yourself? A My husband, and me, and children.
Q How many children? A Six.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim? A I don't know; a quarter, I guess.
Q How long have you lived here in the Creek Nation? A We have been here off and on for about 26 years. Our home is in the Cherokee Nation, but our business is here.
Q What is the name of your father ? A Jack Cobb.
Q Is he living? A No, he's dead.
Q Was he a Cherokee? A No, he was a white man.
Q What is the name of your mother? A Lucy Victory.
Q Is your mother living? A No sir.
Q Was she a Cherokee? A Yes sir.
Q What district were you enrolled in twenty years ago? A Canadian district.
Q Were you enrolled in the same district in 1896? A Yes sir.
Q What is the name of your husband? A George Tufall.
Q How old is he? A He's 61.
Q He's living at the present time, is he? A Yes sir.
Q Is your husband a white man? A Yes, he's German.
Q When were you married to him? A Married in '73.
Q Were you ever married before you married him? A No sir.
Q Was he? A No sir.
Q You have lived together continuously since that time? A Yes sir.
Q What is thename of the oldest child under 21 and unmarried?
A Pearl E.
Q How old is she? A 21.
Q The next child? A Oscar O.
Q How old is he? A He's 19.
Q The next child? A Maggie.
Q How old is she? A She's 17.
Q The next child? A Benjamin H.
Q How old is he?m A He's 13.
Q Next child? A Grace A.
Q How old is she? A She's 10.
Q The next child? A Herbert, 8.
Q These children are all alive and living with you at the present time? A Yes sir.
Q Any of these children born in the Cherokee Nation? A No sir.
Q All born here in the Creek Nation? A Yes sir.
Q Do you own any property in the Cherokee Nation? A Yes, we got two farms in the Cherokee Nation.
Q Do you derive any rents from those farms? A Yes sir.
Q You have property in the Creek Nation? A No sir, only our home.
Q Did you draw money from the Creek tribe of Indians? A No sir.
Q Have you drawn from the Cherokees? A Yes sir.
Q Were you, or your husband evermadmitted to citizenship here in the Cherokee Nation? A No, we never was out to be readmitted. We always lived up to the laws, and always had property and paid our tax in the Cherokee Nation.
Q You know whether or not you were enrolled in 1880? A No, because we wasn't over there at the time, I guess is the reason. They never came out of the Nation.

Q Did you apply for enrollment at that time? A No, we didn't know anything about it. They never notified us; we are on all the rest of the roll except that roll.
Q Did you draw strip money in 1894? A Yes sir.

Commission- The roll of 1880 examined and names of applicants not found.

1896 roll; page 83, #2312, Maggie Zufall, Canadian district.
1896 roll; page 95, #322, George Zufall, Canadian district.
83, #2315, Pearl Zufall, " "
83, #2316, Otto " " "
83, #2317, Maggie " Jr. "
83, #2318, Benjaimin" "
83, #2319, Grace " "
83, #2320, Herbert " "

Q Did I understand you to, say that for the past 26 years, you have been making your home continuously here in the Creek Nation? A No, we lived down there part of the time, and here part of the time. My husband's business is here.
Q How long has it been since you actually resided in the Cherokee Nation; since you have been over there to live? A Been off and on there all the time.
Q You maintain a home over there? A We got a home there, and a home here. We have a house where our place of business is. We never been anywhere but there. We sometimes spend the summer there and sometimes the winter here.
Q You stated that neither you, nor your husband, ever applied for readmission to citizenship? A No sir.
Q Were you born in the Cherokee Nation? A No sir, I was born in Georgia.
Q When did you come to the Cherokee Nation? A Since I was three years old.
Q And since that time you lived here continuously? A Yes sir.
Q Have you any evidence of your marriage to your husband? A We can only furnish witnesses. We don't know anything about the licenses; they say they were never turned in. We supposed it was on record, and found it wasn't.

Commission-

The applicant applies for the enrollment of herself and six children as citizens by blood of the Cherokee Nation, and for the enrollment of her husband as a citizen by intermarriage of the Cherokee Nation. She avers that she came to the Cherokee Nation when three years of age, and has been living here continuously since that time. She is not identified upon the authenticated roll of 1880. She was living in the Creek Nation at that time and didn't apply to the Cherokee tribal authorities for enrollment in the year 1880. She is identified upon the Census roll of 1896 as a native Cherokee. She avers that she was married in the year 1873 to her present husband, and they have been living together continuously since that time, and neither of them had ever been previously married. Her husband is identified with her on the Census roll of 1896 as an adopted white. The six children enumerated in the testimony are identified with their mother on the Census roll of 1896 as native Cherokees. For the reason that neither the applicant nor her husband are identified on the authenticated roll of 1880, and for the furtherreason that they have been, during the past 26 years, residing the greater part of the time in the Creek Nation, they will be listed for enrollment as citizens by blood upon what is known as a doubtful card, and the husband, George Zufall, will be listed for enrollment as a citizen by intermarriage.

M.Z. 9-

E.O.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. O. Rothenberger

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

M.R. B-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 21 1901
ACTING CHAIRMAN

E.V.Hotchkiss being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony given in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 16th day of January, 1901.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., January 16, 1901.

In the matter of the application of George Zufall for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A George Zufall.
Q How old are you? A 24.
Q What is your postoffice? A Muskogee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q In what district do you claim citizenship? A Canadian.
Q Do you live in Canadian? A I have up until last year.
Q You have been living since that time in Muskogee? A I lived here when I was 10 years old, then I went to the Cherokee Nation until the last year.
Q What are you doing in Muskogee? A I am a blacksmith.
Q Who is it you want to have enrolled; just yourself? A Yes sir.
Q You are a Cherokee by blood, are you? A Yes sir.
Q Were you born in the Cherokee Nation? A No sir, in the Creek Nation, this place.
Q How much of your life have you spent in the Cherokee Nation? A About 12 years I guess.
Q That is, 12 years up to about a year ago? A Yes sir.
Q What is the name of your father? A George Zufall.
Q Is he dead? A No sir, he's living.
Q Is he a Cherokee or white man? A No, he's german.
Q Your mother? A She's a Cherokee.
Q What is her name? A Maggie.
Q Is she dead? A No sir, she's alive.
Q Is your mother a native of the Cherokee Nation? A Yes sir.
Q Where is she living now? A In Muskogee.
Q How long has she lived in Muskogee? A I don't know, she was born here;- nearly all her life, I guess.
Q Have you drawn money as a Cherokee? A Yes sir.
Q Have you ever drawn money as a Creek? A No sir.
Q Have you ever voted as a Cherokee? A Yes sir.
Q Have you ever voted as a Creek? A No sir.
Q You are working here now in a blacksmith shop, are you? A Yes sir.
Q You are a single man, are you? A Yes sir.
Q Have you any interests in the Cherokee Nation? A Yes sir, we have a farm over there; two of them.
Q They belong to your father? A Yes sir.
Q You have interest in that property as a child? A That's all.
1896 roll; page 83, #2314, George Zufall, Canadian district.
1896 roll; page 83, #2312, Maggie Zufall, Canadian district.

Commissioner Breckinridge-

The applicant is identified on the roll of 1896 as a native Cherokee. He is not identified on the roll of 1880, and states that he was born in the Creek Nation and lived in the Creek Nation until some twelve years ago, since which time he has lived in the Cherokee Nation to within about one year ago, since which time he has lived at Muskogee, in the Creek Nation. He is now 24 years of age. He states that he has drawn money as a Cherokee, and never drew money as a Creek, and that he has voted as a Cherokee citizen, but never has voted as a Creek citizen. He also states that his mother is a native Cherokee. She is not identified on the roll of 1880, but is identified on the roll of 1896. She made application for herself and other members of her family on the 15th of the present month, and reference is made to her case for further particulars in regard to this family. The applicant will now be listed for enrollment as a Cherokee by blood, but upon a doubtful card, for the further consideration of his case, and the decision when finally rendered will be made known to him at his present postoffice address.

2- S.I.

E.G.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 17th day of January, 1901.

Commissioner.

Supl.-C.D.#1043.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 18, 1902.

SUPPLEMENTAL in the matter of the enrollment of GEORGE ZUFALL, JR., as a citizen of the Cherokee Nation:

Commission: It is directed that a copy of the testimony had in the matter of the application of the applicant's mother, Maggie Zufall, Cherokee card No. D. 1041, heard this 18th day of March, 1902, be filed with and made part of the record in this case.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had this day in above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

No 1088

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 11, 1901.

In the matter of the application of Lewis E. Zufall for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Lewis E. Zufall.
Q How old are you? A 27 years old.
Q What is your post office? A Checotah.
Q In what district do you live? A Canadian District. Checotah is in the Creek Nation.
Q But you live in the Canadian District? A Yes sir.
Q Who do you want to enroll? A Myself and two children.
Q You have no wife? A Yes sir.
Q Dont you want to apply for her? A Yes sir, all of them.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here in Muskogee; but always staid on my father's ranch in the Cherokee Nation until four years ago.
Q And then what? A I moved to Checotah and run a blacksmith shop.
Q You moved there four years ago? A Yes sir.
Q Have you ever voted over there in the Creek Nation? A In the Cherokee Nation.
Q Did you vote in the Creek Nation? A No sir.
Q Always considered yourself a Cherokee? A Yes sir.
Q You continued to vote in the Cherokee Nation all the time? A Yes sir.
Q Give me the name of your father? A George Zufall.
Q Is he dead? A No sir he is living.
Q Give me the name of your mother? A Margaret Cobb, before she married.
Q Is she alive? A Yes sir.
Q Are your father and mother living in the Cherokee Nation? A No sir they live here in Muskogee.
Q Give me the name of your wife? A Lena J.
Q When did you marry her? A I married in 1897 I think.
Q How old is your wife? A I think she is 24 years old.
Q What was her name when you married her? A Jones.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q You and she lived together ever since you married? A Yes sir.
Q What are the names of your children? A Marion R. Zufall.
Q How old is that child? A Three years old last August.
Q And then your next child is Warren E? A Yes sir.
Q He was one year old last December? A Yes sir.

The applicant presents a certificate showing that he was married on the 4th of May, 1897, to Lena Johns, a citizen of the United States by Judge W. S. Agnew, of Canadian District. This is filed herewith.

Q Your wife's name ought to have been put in the certificate as Jones --they have it wrong have they? A Yes sir.

The Cherokee census roll of 1896 examined and the name of the applicant is found on page 83, No 2313 as Lewis Zufall, in Canadian District.
The authenticated roll of 1880 examined and the name of the

applicant is not found thereon.

Q How comes it that you are not on the roll of 1880? I dont know hardly. I left it to my mother I guess.
Q But I dont find your father or mother on that roll? A No sir.
Q You were born in the Cherokee Nation? A I was born in Muskogee. I staid on father's ranch after I got old enough, about 21 miles from Muskogee in the Cherokee Nation.

Commissioner Breckinridge:

The applicant applies for the enrollment of himself, his wife and two children. He states that he is a Cherokee, and that his wife is a white woman. He is identified upon the roll of 1896 as a native Cherokee but not upon the roll of 1880; nor is his father or mother identified on the roll of 1880. He states that he was born in Muskogee, in the Creek Nation, and that after he was old enough to be of use on the farm he lived on his father's farm in the Cherokee Nation until four years ago, since which time he has lived at Checotah where he follows the trade of a blacksmith. He states that he has voted at elections in the Cherokee Nation, and never at any elections in the Creek Nation. He will be listed for enrollment as a Cherokee by blood upon a doubtful card for the further consideration of his case, and reference is made to case D-1041; the same being the case of his father, and also D-1043, the case of a brother. He is shown to have married his wife in 1897, too late under the Cherokee law of December 16, 1895 to entitle her to enrollment. He states that neither was prevuously married, and that they have lived together since their marriage. The application for her enrollment is rejected. When he presents satisfactory certificates of birth of the two chiblren Marion B. and Warren E. Zufall, these children will be listed for enrollment as Cherokees by blood upon the doubtful card with their father.

E. G. Rothenberger, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and testimony in the above case, and that the foregoing is a full and complete transcript of his stenographic notes in said case.

E. G. Rothenberger.

Subscribed and sworn to before me this 12th day of February, 1901.

Signed, C. R. Breckinridge.
Commissioner.

I, the undersigned, do certify as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct copy of the original transcript.

Ella Muelenz

D. 1088.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1902.

In the matter of the application of Lewis E. Tufall for the enrollment of himself, wife and children as citizens of the Cherokee Nation.

Upon a review of the testimony had in the matter of the foregoing application the applicant, in answer to a question as to the age of his wife, stated that she was twenty-four years old. The enrollment card and the memorandum made when this application was taken show her age to be twenty-seven years. In an affidavit as to the birth of their child, Hassion Raymond Tufall, the applicant's wife states that she is twenty-seven years of age. It is apparent that the correct age of the applicant's wife is twenty-seven years.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 30 1902

ACTING CHAIRMAN.

Commissioner.

Department is the opinion that the applicant be given a certificate of citizenship.

It is directed that the case be closed with the concurrence of the Department.

Respectfully,

TAMS BIXBY,
Acting Chairman.

Muskogee, I.T., January 28, 1902.

In the matter of Pinkey, Alice and children as citizens of the Choctaw Nation and the Dawes Commission of the Five Civilized Tribes for the enrollment of the applicant, in the testimony had in the matter of the application of Alice Pinkey for a certificate of citizenship as a descendant of a Choctaw Indian, the applicant's age is to be determined. The evidence shows that Alice Pinkey is about twenty-seven years old. The evidence shows that the applicant's father died when she was about twenty-four years of age. It is shown that the applicant's mother died when she was about twenty-seven years of age. In an affidavit, as to the age of the applicant, the mother stated that she was twenty-four years old. The evidence shows that the applicant's father died when she was about twenty-four years of age. It is shown that the applicant's mother died when she was about twenty-seven years of age. In an affidavit, as to the age of the applicant, the mother stated that she was twenty-four years old. In a sworn statement made by the mother,

Cherokee D-1041.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18,1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS, in the matter of the application of George Zufall for the enrollment of himself, wife and children as Cherokee citizens.

TESTIMONY ON BEHALF OF APPLICANTS.

BY COMMISSIONER: The applicant was notified by registered letter February 27th,1902, that his application for the enrollment of himself, wife and children ws citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory on the 17th day of March,1902; receipt has been acknowledged of the Commission's letter, andon this the 18th day of March, 1902, applicants appear in person, this case having been continued over from the 17th.

JOSHUA ROSS, being first duly sworn, and being examined, testified as follows:

Appearances:
Applicants in person;
W.W.Hastings, attorney for Cherokee Nation.

BY COMMISSIONER NEEDLES:
Q What is your name? A Joshua Ross.
Q What is your age? A 69 years.
Q Whatis your post-office? A Muskogee.
Q Please state what you may know about the citizenship of Mrs. Zufall? A In 1873 I made out papers asking signers, getting signers to givecitizenship to George Zufall and his wife Mrs. Zufall. And I know that they were married October, 1873. And that they have lived together as man and wife ever since. That they had made a place over in Canadian District. George Zufall's business has been here most all the time; he has lived there and has lived here. He is a blacksmith, and has raised a large family of children I know. I know ~~their~~ ~~plaxax~~ that she is a Cherokee Indian, and that he was married according to Cherokee law.
Q How do you know he was married according to Cherokee law?
A Because he got the signers there and they presented it to the clerk.
Q Did you ever see the license? A No sir, I never saw the license.
Q What do you know about her citizenship? A Well I know she was a Cherokee Indian.
Q You don't know that she was ever admitted by any act of council?
A No I don't know anything about that; I got acquainted withher here in 1872 or '3, as a Cherokee Indian.
Q Been recognized to yourknowledge as a Cherokee citizen since that time? A Yes sir.
BY MR. HASTINGS:
Q Where was she living when you first knew her? A Living here in Muskogee, but her relatives were living near Fort Gibson.
Q That is about all you know about it? A Yes sir, that's all I know.

ANNIE ELLIOTT BEING FIRST DULY SWORN AND BEING EXAMINED TESTIFIED AS FOLLOWS:
BY COMMISSIONER NEEDLES:
Q What is your name? A Annie Elliott.
Q Whatis your age? A 53.

Q Where do you live? A In Muskogee.
Q You know Mrs. Maggie Zufall? A Yes sir.
Q You know anything about her citizenship? A She was always considered as a citizen of the Cherokee nation, a Cherokee.
Q Are you a citizen of the Cherokee Nation yourself? A Yes sir.
Q You know anything about her marriage to Mr. Zufall? A I was present at her marriage.
Q When was that? A In 1873.
Q You know whether they had a license from the Cherokee authorities? A Why, no sir, I know the Judge of the Canadian District married them; Judge Tayler.
Q They been living together continuously since that time as man and wife? A Yes sir.
Q You know whether Mrs. Zufall was ever admitted as a Cherokee citizen by the Cherokee authorities? A She never was out to be admitted. She has always been here; considered a Cherokee.
Q You know whether her name is on the 1880 roll or not?
A I don't know, it ought to be, but she says they couldn't find it.
Q What was her maiden name? A Cobb.

BY MR. HASTINGS:

Q Where did you first know her Mrs. Elliott? A I knew her out in Canadian about Brushy Mountain, and Checotah.
Q How long before her marriage was that? A I knew her about a year before she was married; I knew the family.
Q You didn't have any personal knowledge of her before that time? A No sir.
Q Were you present at her marriage and know the Judge of the district married her? A Yes sir.
Q Been living in Muskogee since that time? A Oh I think she lived in the Cherokee Nation a while.
Q Most of the time in Muskogee? A Yes sir; they have always had a place.
Q What is her father's name? A Cobb.
Q You know his first name? A No sir.
Q You know her mother's name? A No sir.

SIM GARLAND, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER NEEDLES:

Q What is your name? A Sim Garland.
Q What is your age? A 48.
Q What is your post office address? A Muskogee.
Q What is your nationality? A Choctaw.
Q Do you know Maggie Zufall? A I have known her ever since 1870 I think.
Q You know anything about her Cherokee citizenship? A Well she was always considered a Cherokee ever since I knew her, she has always lived there.
Q You know her husband, George Zufall? A Yes sir, I knew him.
Q You know anything about his marriage? A Yes sir.
Q What do you know? A I was at Brushy Mountain when they were married; a few minutes after that Judge Tayler told me that George Zufall handed him a license with a ten dollar bill in it.
Q Well have they lived together since that as man and wife? A Yes sir, to the best of my knowledge.
Q You know her father and mother? A No sir, I don't know them.
Q Don't know how much Cherokee blood she has? A No sir,

BY MR. HASTINGS:

Q How do you happen to remember the circumstances of the Judge saying that Mr. Zufall handed him a license with a ten dollar bill in it? A Never thought anything more about it, until Mr. Zufall asked me to come up here the other day, and I was thinking what the circumstances were.
Q You never saw the license? A No sir.

Q Nor the ten dollar bill either? A No sir, only he was talking about it, and he said he would like for a few more white men to get married.
Q Did you know the judge who issued the license? A No sir.
Q Didn't know anything about that? A No sir.
Q The clerk of the district was not there was he? A No, not that I know of.
Q Your acquaintance with this woman is dated back as far as 1870? A Yes sir.
Q You didn't know her parents? A No sir.

GEORGE ZUFALL, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q Whatis your name? A My name is George Zufall.
Q Whatis your age? A My age is 62.
Q What is your post-office? A Muskogee.
Q Are you the husband of Maggie Zufall? A Yes sir.
Q You were married to her according to the laws of the Cherokee Nation? A Yes sir.
Q Did you get out a regular marriage license? A Went down to the office and got a certificate from the clerk of the court, handed it to Mr. Judge Tayler, and got married on Brushy Mountain under Cherokee law in the Cherokee Nation. I didn't get no marriage license, why I don't know, the time I got marriage I guess, I suppose they didn't get any, I don't know, our marriage license has never been on record.
Q You haven't got the license? A No sir.
Q You are a white man? A Yes sir.
Q Have you lived with your wife continuously since that time? A Yes sir.
Q You say you paid for the license? A Down to the Falls, yessir.
Q How much did you pay? A Two dollars; that was to the clerk of the court down at Webbers Falls.
Q Cherokee court? A Yes sir.
Q Did you get out a petition? A I got a petition, Mr. Ross there did.
Q You got out a petition? A Yes sir, had nine signers on it; Mr. Ross was one of the first ones that ever signed it.
Q You never got the license back? A No sir.
Q License didn't cost you but two dollars? A That was a certificate; I took the oath of allegiance down there andpaid the clerk two dollars; that's all I paid.
Q Was that the price of a marriage license at that time; for a white man marrying a Cherokee woman, only two dollars? A I couldn't tell you about that.
Q Who did you pay the two dollars to? A To the clerk of the court, his name is McCorkle; he is living yet.
Q Who married you? A Judge Tayler.
Q You know whether your wife ever applied to the Cherokee authorities to be admitted as a Cherokee citizen or not? A I don't know; we never went out of the Nation. I know under the compact law we could live in the Creek Nation as well as the Cherokee Nation, and we have hadmore property in the Cherokee Nation the last twenty years than we have got in the Creek Nation.
Q Your wife was never admitted by the Cherokee authorities, that you know of? A Not that I knew of. I don't know as it is necessary to be re-admitted when we never lived out of the Nation.

MAGGIE ZUFALL, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q Your name is Maggie Zufall? A Yes sir.
Q You are the applicant here? A Yes sir.

BY MR. HASTINGS:
Q Your maiden name was Cobb? A Yes sir.
Q Where were you born? A Georgia.
Q When did you come to this coujtry? A I don't know, I was 3 years old when we come here.
Q You are about 48 now? A Yes sir.
Q You come to the country then before the war? A Yes a long time I reckon.
Q You stay here during the war? A Yes. We were over in Gibson all during the war.
Q Did you live in the Cherokee Nation up until the time you were married? A Yes sir.
Q Your father's name was Jack Cobb? A Yes sir.
Q What was your mother's name? A Lucy Vickery.
Q Where did your father and mother die? A Over there about a half a mile from Fort Gibson.
Q Where were you living at the time you married Zufall? A I was living with my aunt down on the Arkansas river, at Frozen Rock.
Q In Canadian District? A Yes sir.
Q Since that time you have either lived in Muskogee or Canadian District, one or the two? A Yes sir.
Q Most of the time in Muskogee, A Yes sir.

BY COMMISSIONER NEEDLES:
Q You know the reason your name is not on the 1880 roll?
A No, I really don't. We might have been not in the Nation, or maybe was sick or something, I don't know how it was.

GEORGE W. ELLIOTT, being first duly sworn and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q What is your name? A George W. Elliott.
Q Whatis your age? A 66.
Q What is your post office address? A Muskogee.
Q What nationality are you? A I was born in Baltimore, Maryland.
Q You are not an Indian? A No sir.
Q Do you know Maggie Zufall? A Yes sir.
Q How long have you known her?A Since 1872 anyhow, I don't know whether it was before that or not.
Q You knew anything about her marriage to George Zufall? A Yes sir, I was at the wedding, and stayed all night at their house.
Q You know whether he had a Cherokee license or not? A No sir, I do not.
Q You know anything about the citizenship of Mrs. Zufall? A No sir,

MRS. MAGGIE ZUFALL, -recalled and being examined testified as follows:
BY COMMISSIONER NEEDLES:
Q Any questions you would like to ask him? A No sir, not that I know of.
Q Any other witnesses? A No, that is all we have.
Q Are you willing to submit your case to the Commission now on the testimony that has already been given? A I don't know; if I am doubtful of course I can prove up that I am an Indian, if that is what you want to know. Indian by blood and I know my mother was an Indian.
Q Did you apply in 1896 to be enrolled as a citizen; did you apply to the Commission in 1896 under the law of June 10? A I was I was enrolled wasn't I? No, I didn't apply to the Dawes Commission.
Q Fact is you have never applied to any Commission to be enrolled as a Cherokee citizen before your present application? A No sir.

Q Well if you are willing to submit the case on the testimony given the case will be ordered closed? A Well I g ness that is all right, I am willing to- I can prove I am an Indian; I have relations and aunts who have got theirs.
Q You applied for your daughter Pearl when you applied for yourself
A Yes sir.
Q She was 21 years of age? A Yes sir.
Q Why didn't she apply for herself? A She was not here, she was off at school and they told me it would be all right as she was under my care; it would be all right.
Q She is still unmarried? A Yes sir.

BY COMMISSIONER NEEDLES: Well we will give you until the 24th of this month,- that is six days,- to bring witnesses to prove your Indian citi zenship?

A Yes sir, I can get them any day I want.

BY COMMISSIONER NEEDLES: Case continued until the 24th of the present month.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Supl.-C.D.#1041.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 18, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of GEORGE ZUFALL, ET AL., as citizens of the Cherokee Nation, introduced on part of applicants:

The applicant was notified by registered letter February 27, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 17th day of March, 1902, and on said date the applicants appeared and by agreement the case was continued until the 18th day of March, 1902. The same being this day, the 18th day of March, 1902, called the applicant appears in person.

Mr. W. W. Hastings, Cherokee Representative, present.

W. S. AGNEW, being duly sworn, testified as follows on part of the applicants:

BY THE COMMISSION:

Q What is your name? A W. S. Agnew.
Q How old are you? A 59.
Q Post office address? A Muskogee.
Q Are you acquainted with the applicant in this case, George Zufall?
A You mean the boy?
Q No, George Zufall, Sr.? A The old man?
Q Yes. A Yes, sir.
Q Are you acquainted with his wife, Margaret? A Yes, sir.
Q How long have you known her? A I knowed the family ever since '61, when they was small children, but I don't know the names apart; I have been well acquainted with them since '67.
Q Where were they living then? A In '67?
Q Yes? A In Fort Gibson.
Q In the Cherokee Nation? A Yes, sir.
Q How long did she continue to reside there after that? A Well, she was there a part of the time in Canadian District with an Aunt up to about the time she was grown.
Q And then where did she go? A She married Mr. Zufall and they located here in Muskogee.
Q Had she always been recognized as a Cherokee citizen?
A Yes, sir.
Q Did you ever hear her right to enrollment disputed?
A No, sir, never nothing more than place of residence, or something that way.
Q Do you know about when they came to the the Creek Nation to live, about what year it was? A It must have been somewhere about '75.
Q And they continued to reside here continuously up until the present time and are living here now? A Yes, they have made this their home; they own a ranch and property down in the Cherokee Nation.
Q They own property in the Cherokee Nation? A Yes, sir, he has held a ranch there and good deal of property ever since they were married.
Q They were living here when the roll of 1880 was made? A Yes, sir.

Q Do you think that is the reason their names do not appear upon that roll A Yes, sir, that is the only reason.
Q Have they ever made their home outside of the Territory since you have known them? A No, sir.

MARY E. ~~[illegible]~~ AGNEW, being duly sworn, testified as follows on part of applicant:

COMMISSION:

Q What is your name? A Mary E. Agnew.
Q How old are you, Mrs. Agnew? A I will be 53 in May.
Q You are acquainted with Maggie Zufall, the wife of George Zufall?
A Yes, sir.
Q How long have you known her? A Ever since she was an infant.
Q Are you related to her? A She is my sister.
Q Same father and mother? A Yes, sir.
Q Do you know whether or not she has always made her home in the Indian Territory? A Yes, sir.
Q She has never lived outside of the Indian Territory?
A No, sir.
Q Does your name appear upon the roll of 1880? A Yes, sir.
Q You were then living in the Cherokee Nation? A Yes, sir.
Q Where was your sister living at that time? A In Muskogee.
Q In the Creek Nation? A Yes, sir.
Q Did you ever hear her ~~[illegible]~~ right to enrollment disputed until this time? A No, sir.
Q She has always been recognized as a citizen? A Yes, sir.

Commission: The applicant and the representative of the Cherokee Nation present submit the case. The same is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do here y certify that as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Supl.-C.D.#1088.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19, 1902.

SUPPLEMENTAL in the matter of the enrollment of LEWIS E. ZUFALL, ET AL., as citizens of the Cherokee Nation:

The applicant wasnotified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902. The applicant has this day, been called and fails to respond either in person or by attorney, and it is directed that a copy of the testimony had on the 18th day of March, 1902, in the matter of the application of the applicant's mother, Maggie Zufall, Cherokeecase No. 1041, be filed with and made a part of the record in this case. This case is now deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings this day had in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 27th, 1902.

In the matter of the application of George Zufall, et. al., for enrollment as citizens of the Cherokee nation.

Supplemental to D 1041.

J. L. McCarkle, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. J. L. McCarkle.
Q. What is your post office address? A. Webbers Falls.
Q. Have you ever held any official position in the Cherokee nation?
A. Yes, sir.
Q. What. A. Clerk of the district and circuit courts.
Q. During what year were you clerk of Canadian district? A. I was clerk of Canadian district from the year 1869 to 1874.
Q. During the time that you were acting as clerk of Canadian district do you remember whether or not you ever issued a license to one George Zufall authorizing him to marry Maggie Cobb?
A. I do.
Q. Did he comply with the Cherokee law in procuring that marriage license? A. Fully.
Q. Do you know whether or not he was married in accordance with the license that you issued? A. I don't know.
Q. How long had you known Mr/ Zufall prior to the issuing of the license? A. I had never known him before.
Q. Have you known him since that? A. Ever since.
Q. Has he always been recognized as a citizen by intermarriage since that time? A. Yes, sir.
Q. You didn't see the ceremony of marriage performed? A. No, sir.
Q. You are positive that the license was issued to him whileyou were acting--while you were clerk of that district? A. Yes, sir; issued to him in September, 1873. Let me corroborate it. In running over some of my old papers that I found in my old trunk that I had stored away I found his petition. How it happened to be retained in my possession I don't know, but I turned the papers over to my successor. Some how or other that remained.
Q. You recognize this as the original petition Mr. Zufall presented when he applied for the license? A. Yes, I do. Then here is something that I---There was my commission, one dated 1869 and here is one dated 1871, from another judge that was elected.

The witness exhibits a commission showing that on the 15th day of November, 1869, he was appointed clerk of the district court of Canadian district, Cherokee nation, by J. M. Hilderbrand, Judge of the district dourt of Canadian district.
He also exhibits a commission showing that on the 24th day of November, 1871, he was again appointed district clerk in and for Canadian district, Cherokee nation by Judge Woodall, judge of the district court of Canadian district, Cherokee nation. These documents are returned to the witness.

Jesse O. Carr, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this ... day of July, 1902.

Notary Public.

J
Supp'l to D 1041

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 28, 1902.

In the matter of the application of George Zufall, for the enrollment of himself, and his wife Maggie, and his children, Pearl E., Oscar O., Maggie, Benjamin H., Grace A., and Herbert Zufall, as citizens by blood of the Cherokee Nation:

PEARL E. ZUFALL, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Pearl Elizabeth Zufall.
Q What is your age ? A Twenty four.
Q What is your post office address ?
A Muskogee, Indian Territory.
Q What district do you live in ? A Muskogee, in the Creek Nation.
Q What district in the Cherokee Nation do you call your home ?
A Canadian.
Q Do you wish to make application for enrollment as a citizen of the Cherokee Nation ? A Yes sir.
Q Do you wish to include anyone else in your application ?
A No sir.
Q Give me the name of your father ? A George Zufall.
Q Is he living or dead ? A Living.
Q Is he a Cherokee by blood ? A No sir.
Q Give me the name of your mother ? A Maggie Zufall.
Q Is she living or dead ? A She is living.
Q Is she a Cherokee by blood ? A Yes sir.
Q Have you lived all your life in the Cherokee Nation ?
A No sir, not all my life.
Q How long have you been living in the Creek Nation ?
A All my life, except about-I don't know- about three years I was in the Cherokee Nation, Canadian District. I have lived partly in the Creek Nation and partly in the Cherokee Nation.
Q You have never lived anywhere except in the Creek Nation and in the Cherokee Nation ? A No sir.
Q Are you at this time living in Muskogee, Creek Nation ?
A Yes sir.
Q Does your name appear upon the 1880 authenticated roll of Cherokee citizens ? A I don't think it is on the '80 roll.
Q Were you admitted by the Cherokee National Council after that date ?
A Well I don't know.

--The 1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant is not identified thereon;
--The 1896 census roll of citizens of the Cherokee Nation examined, and the applicant is identified thereon at page 83, # 2315, Canadian District, as Pearl Zufall, native Cherokee.

The Commission: This testimony will be filed with and made supplemental to the record in the matter of the application for the enrollment of George Zufall, et al, Cherokee D 1041.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this September 5, 1902.

B C Jones
Notary Public.

Cher D 1041

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 2, 1902.

In the matter of the application of GEORGE ZUFALL, for the enrollment of himself as a citizen by intermarriage, and his wife MAGGIE, and his children, PEARL E., OSCAR O., MAGGIE, BENJAMIN H., GRACE A. and HERBERT ZUFALL, as citizens by blood, of the Cherokee Nation:

GEORGE ZUFALL, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A George Zufall.
Q What is your age ? A Sixty three.
Q Your post office ? A Muskogee.
Q Are you the same George Zufall who made application to this Commission for the enrollment of yourself as an intermarried citizen of the Cherokee Nation, and for your wife and children as citizens by blood, on January 15, 1901 ? A My wife made the application, I think.
Q You are the same George Zufall ? A Yes sir.
Q What is your wife's name ? A Margaret.
Q Do you call her Maggie ? A Yes sir.
Q Do you want her enrolled as Maggie or Margaret ?
A It don't make any difference. Just make it Maggie.
Q When were you and your wife Maggie married, Mr. Zufall ?
A We were married in 1873, in October.
Q Were you ever married before you married your wife Maggie ?
A No sir.
Q Was she ever married prior to her marriage to you ? A No sir.
Q You were her first husband and she was your first wife ?
A Yes sir.
Q Have you and she lived together continuously from the time of your marriage, as husband and wife, up to the present time ?
A All except three months I have been in Europe.
Q Were you living together as husband and wife on September 1, 1902 ? A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Been living here in Muskogee since 1871.
Q You have lived in the Indian Territory all the time, then, since 1880 ? A Yes sir, never lived out.
Q Has your wife lived in the Indian Territory all the time since 1880 ? A Yes sir.
Q Been living in the Cherokee Nation ? A She went in the Cherokee Nation every summer and stayed there four or five months, but my business was here in Muskogee.
Q Are your children, Pearl E., Oscar O., Maggie, Benjamin H., Grace A. and Herbert, all living at this time ? A Yes sir.
Q And have they always lived in the Indian Territory since they were born ? A Yes sir.
Q Never lived outside the Indian Territory ? A No sir. Only the oldest girl I took to the old country with me in the summer.

N. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

N C Bagwell

Subscribed and sworn to before me this October 16, 1902.

B O Jones
Notary Public.

Cherokee D 1041.1043.1088.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maggie Zufall, et al., for enrollment as citizens of the Cherokee Nation, consolidating the applications of:

Maggie Zufall, et al	Cherokee	Doubtful	No. 1041
George Zufall, Jr.,	"	"	" 1043
Lewis E. Zufall, et al.,	"	"	" 1088

D E C I S I O N.

The record in these cases shows that on January 15, 1901, Maggie Zufall appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her children, Pearl E., Oscar O., Maggie, Benjamin H., Grace A. and Herbert Zufall, as citizens by blood, and for the enrollment of her husband, George Zufall, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 18, 1902, June 27, 1902, August 28, 1902, and October 2, 1902.

On January 16, 1901, George Zufall, Jr., appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation.

On February 11, 1901, Lewis E. Zufall appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his minor children, Marion R. and Warren E. Zufall, as citizens by blood of the Cherokee Nation. The application also included his wife, but as she is differently classified she is not embraced in this decision.

The evidence shows that Maggie Zufall, nee Cobb, a Cherokee citizen by blood, was born in Georgia, and was brought to the Cherokee Nation by her parents about the year 1858, being at that time about three years old. It is further shown that George Zufall, a white man, married his said wife Maggie, in 1873, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation. All of the applicants herein claim citizenship by blood through Maggie Zufall, nee Cobb, with the exception of George Zufall, the husband of said Maggie Zufall, his rights being based upon said marriage.

It is further shown that Lewis E. Zufall was lawfully married in 1897, to one Lena J. Jones, and as a result of that marriage the minor children, Marion R. and Warren E. Zufall, were born. Subsequent to the application of said Lewis E. Zufall, Eva Zufall was born.

Maggie Zufall, nee Cobb, Pearl E. Zufall, George Zufall, Jr., and Lewis E. Zufall are identified on the Cherokee rolls of 1883, 1886, 1890, 1894 and 1896. Oscar O. Zufall, Maggie Zufall and Benjamin H. Zufall are identified on the Cherokee rolls of 1886, 1890, 1894 and 1896. Grace A. Zufall is identified on the Cherokee rolls of 1890, 1894 and 1896. Herbert Zufall is identified on the Cherokee rolls of 1894 and 1896. George Zufall is identified on the Cherokee rolls of 1890 and 1896, as an intermarried white person. Marion R. Zufall and Eva Zufall are duly identified by birth affidavits made a part of the record herein.

The evidence further shows that Maggie Zufall has been a continuous resident in the Indian Territory since her removal thereto, as hereinbefore shown. Her husband, George Zufall, has resided in the Indian Territory with his said wife, Maggie Zufall, continuously since his marriage to her, up to and including September 1, 1902. The other applicants have resided in said Territory all their lives. Warren E. Zufall is shown to have died February 13, 1902, as evidenced by death affidavit made a part of the record herein. It is presumed from the enrollment by the Cherokee Nation of Maggie Zufall on the various rolls of said nation, as hereinbefore shown, and the further fact that her sister Mary E. Agnew is identified on the 1880 Cherokee roll as a citizen by blood of the Cherokee Nation, that the said Maggie Zufall and her family were duly and lawfully recognized or admitted to citizenship by the tribal authorities of the Cherokee Nation subsequent to their removal to the Cherokee Nation in 1858.

It is, therefore, the opinion of this Commission that the application for the enrollment of Maggie Zufall, Pearl E. Zufall, Oscar O. Zufall, Maggie Zufall, Benjamin H. Zufall, Grace A. Zufall, Herbert Zufall, George Zufall, Jr., Lewis E. Zufall, Marion R. Zufall and Eva Zufall as citizens by blood, and George Zufall as a citizen by intermarriage of the Cherokee Nation, should be granted, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

It is further ordered by this Commission that the application for the enrollment of Warren E. Zufall as a citizen by blood of the Cherokee Nation be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR - 2 1903

Cherokee-10194.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 2, 1907.

In the matter of making proof of the marriage of George Zufall to his Cherokee wife, prior to November 1, 1875.

Margaret Zufall, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

COMMISSIONER:

Q. What is your name? A. Margaret Zufall.
Q. How old are you? A. 50 years old.
Q. What is your post office address? A. Muskogee, I.T.
Q. In whose behalf are you appearing here today? A. George Zufall.
Q. Was he a claimant for rights as an intermarried citizen of the Cherokee Nation? A. Yes sir.
Q. What was the name of his Cherokee spouse through whom he claimed rights? A. Margaret Cobb.
Q. When were you and George Zufall married? A. In 1873.
Q. What date? A. October 22.
Q. Where were you married? A. At Brushy Mountain.
X Q. Were you married under a license from the Cherokee Nation? A. Yes sir.
Q. Have you that license? A. No, we had no license.
Q. What became of the license? A. The Judge turned them in at the Court house at Webbers Falls, and the Court house was burned and all the papers, before it was moved to Tahlequah.
Q. Was George Zufall ever married prior to his marriage to you? A. No sir.
Q. Were you ever married prior to your marriage to George Zufall? A. No sir.
Q. Was he a citizen of the Cherokee Nation at the time of your marriage? A. Yes sir.
Q. Is George Zufall living or dead? A. Dead.
Q. When did he die? A. In 1905.
Q. What date? A. January 23rd.
Q. Who married you? A. Sam Taylor, the Judge at Canadian.
Q. Have you any other witnesses that you wish to put on? A. No. I could get witnesses, but I don't know of anything else to say.
Q. You say you were married by the Judge, Sam Taylor? A. Yes sir.
Q. Did he issue the license? A. No, the license was issued by W. F. McCarkley, and he is living.
Q. Can you get him here to testify? A. Yes, by putting up for his expenses, I guess. He gave his testimony once before the Dawes Commission. We had him here once.
Q. Where were you living in 1880? A. We were on the farm I think. We lived here in Muskogee and on the farm, and I don't remember whether we were here or on the farm.
Q. You were living in the Indian Territory? A. Yes sir.

Q. Why were you not enrolled on the 1880 Roll? A. I think we were enrolled, for they said we were enrolled. The men that took the census at that time said that we were enrolled, and I don't know why we are not on the roll.
Q. Did you make application to be enrolled in 1880? A. Yes sir, we were enrolled.
Q. In 1880? A. Yes sir.
Q. Were you living in the Cherokee or Creek Nation in 1880? A. Muskogee was our home.
Q. Did you draw money in 1893 -- the Strip Money? A. Yes sir, we drew in every payment.

(Reference is here made to the testimony offered in support of the application of George Zufall for enrollment as a citizen by intermarriage, at Muskogee, on March 18, 1902; August 28, 1902 and October 2, 1902. Also a certified copy of the petition filed by the applicant for Cherokee license.

The applicant's Cherokee wife is identified on the 1896 Census Roll, opposite No. 2312.)

Witness excused.

Eula Jeanes Branson, being duly sworn, states that she correctly reported the proceedings had in the above and foregoing, on the 2nd. day of January, 1907.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 3rd day of January 1907.

Albert K. Chappell
Notary Public.

X

Sir

We have the honor to say that Mr. George Zufall of the United States thus asks for License to unite in bonds of Matrimony with Miss Margaret Cobb of the Cherokee Nation.

We know him to be a man of industry and good morals. He will be a good citizen of the Cherokee Nation.

We pray that you may grant his request, and his object attained.

Yours &c
Respectfully

Sept 5, 1873.

To the Clk Dist Court,
Canadian Dist
Cherokee Nation.

Joshua Ross
I. W. Bertholf
J. L. L. Smith
T. R. Monroe
Thomas Brewer
Richard Fields
P N Blackstone
W. B. Rogers

Muskogee, I. T., July 26, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Petition now on file in the office of the Commission.

H M Vance

I 1961

Cherokee-D- 1088

OFFICE DIST JUDGE.

CANADIAN DIST C. N.

TO WHOM IT MAY CONCERN:

Know ye that I, W. S. Agnew, Judge of the District Court of canadian district Cherokee nation do by virtue of authority in me vested by law this day unite in the bonds of matrimony Louia Zufall, a citizen of the Cherokee Nation and Lena Zufall (nee) Johns, a citizen of the Uni ed States this the 4th day of May A.D. 1887.

W. S. Agnew, Hudge.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the originaloffered in evidence in the matter of the application for the enrollment of Lewis E. Zufall et al. as citizens of the Cherokee Nation.

Muskogee, Indian Territory,

June 5,1902.

W S Kaufman

E C M

Cherokee 10194.

DEPARTMENT OF THE INTERIOR, C

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE ZUFALL as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on January 15, 1901 application was received by the Commission to the Five Civilized Tribes for the enrollment of George Zufall as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 16, 1901, February 11, 1901, January 28, 1902, March 18, 1902, March 19, 1902, June 27, 1902, August 28, 1902, October 2, 1902 and January 2, 1907. The records further show that on March 2, 1903 the Commission to the Five Civilized Tribes rendered its decision herein granting the said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George Zufall, a white man, was married in accordance with Cherokee law on October 22, 1873 to his wife, Maggie Zufall, nee Cobb, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No.27910. It is further shown that from the time of said marriage the said George Zufall and Maggie Zufall resided together as husband and wife and have continuously retained their citizenship in the Cherokee Nation. Said applicant is identified on the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the decision rendered by the Commission to the Five Civilized Tribes March 2, 1903, granting, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), the application for the enrollment of George Zufall as a citizen by intermarriage of the Cherokee Nation, should be, and the same is, hereby affirmed.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 8 1907.

32 Dr 179

IN RE
THE DEATH OF
George Zufall
A CITIZEN OF THE
Cherokee Nation

Approved November 4, 1907
[illegible]
Commissioner

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.
FILED
NOV 4 1907
J. G. Wright,
Commissioner.

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of George Zufall (Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Muskogee (Here insert name of post office) Ind. Ter., and died on the about Jan 23rd day of

January, 1905

AFFIDAVIT OF RELATIVE

Indian Territory
Western District }

I, Maggie Zufall, on oath state that I am 50 years of age and a citizen, by blood, of the Cherokee Nation; that my postoffice address is Muskogee (Here insert name of postoffice) Ind Ter.; that I am the widow (State relationship: as the father; an uncle; a cousin, etc.) of George Zufall (Here insert name of deceased) who was a citizen, by intermarriage, of the Cherokee Nation and that said George Zufall (Here insert name of deceased) died on the about 23d day of January, 1905.

WITNESSES TO MARK:

Maggie Zufall

(Must Be Two Witnesses) {

Subscribed and sworn to before me this 4th day of November 1907

John E Tidwell
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

Indian Territory
Western District }

I, Laura Ward, on oath state that I am 21 years of age, and a citizen by blood of the Cherokee Nation; that my postoffice address is Muskogee (Here insert name of postoffice), Ind. Ter.; that I was personally acquainted with George Zufall (Here insert name of deceased) who was a citizen, by intermarriage, of the Cherokee Nation; and that said George Zufall (Here insert name of deceased) died on the about 23d day of January, 1905.

WITNESSES TO MARK:

Mrs Laura Ward

(Must Be Two Witnesses) {

Subscribed and sworn to before me this 4th day of November 1907

John E Tidwell
Notary Public.

Cherokee 10194

Muskogee, Indian Territory, February 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment of George Zufall as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-5
JMH

Cherokee 10194

Muskogee, Indian Territory, February 8, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling George Zufall as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 10194

Muskogee, Indian Territory, February 8, 1907.

Maggie Zufall,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 8, 1907, granting the application for the enrollment, as a citizen by intermarriage of the Cherokee Nation, of your deceased husband, George Zufall.

You will be advised when the name of your said husband has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-6
JMH

Commissioner.

Cherokee
I.W.179.

Muskogee, Indian Territory, April 16, 1907.

Mrs. Margaret Zufall,
Muskogee, Indian Territory.

Dear Madam:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Commissioner.

Encl.W-5.
S.W

Cher IW 180

Cher IW 180

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

MARY LAMAR

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.44.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I. T., July 9th, 1900.

In the matter of the application of Mary Lamar for the enrollment of herself as an intermarried Cherokee and her children as Cherokees by blood; being sworn and examined by Commissioner Needles she testifies as follows:

Q What is your name? A Mary Lamar.
Q What is your age? A Forty-five.
Q What is your post-office address? A Fairland.
Q Where do you live? A Three miles south of Fairland.
Q How long have you lived there? A Twenty-six or seven years.
Q Where did you live before that? A Chouteau, Delaware District.
Q Are you a Cherokee? A No sir.
Q You are a white woman? A Yes sir.
Q You make application as an intermarried citizen? A Yes sir.
Q What is the name of your father? A Stanberry.
Q Is he a Cherokee citizen? A No sir.
Q He is a white man? A Yes sir.
Q What is the name of your mother? A Jane Stanberry.
Q Is she living? A No sir.
Q Is her name on any of the rolls of the Cherokee Nation? A No sir.
Q How long have you lived in the Indian Territory? A Since 1871.
Q Have you been outside of the Indian Territory to reside within the last three years? A No sir.
Q Hav you ever beenenrolled by the Cherokee authorities? A Yes sir.
Q Does your name appear upon the 1880 authenticated roll? A I suppose so.
Note: 1880 roll examined, Mary Lamar found on page 270, #1501.
Q Does your name appear upon the 1894 Strip Payment roll?
A I guess not, I ~~hadd~~ didn't draw any money.
Q Does your name appear upon the 1896 roll? A I think so.
Q You have been recognized by the Cherokee authorities as a citizen by marriage? A Yes sir I drew one payment.
Q Are you married now? A No sir. My husband is dead.
Q How long has he been dead? A Three years in September.
Q Under what law were you married? A Cherokee law.
Q Have you your marriage license or certificate? A No sir.
Q Have you any evidence of your marriage? A None here.
Q Where were you living at the time? A Five miles south of Chouteau Station.
Q What is your husband's name? A Frank Lamar.
Q Is his name on the authenticated roll of the Cherokee Nation?
A Yes sir.
Q On the roll of 1894? A Yes sir.
Q On the roll of 1896? A Yes sir.
Q What degree of Cherokee blood did he have? A One-eighth I guess.
Q To what district did he belong? A Delaware.
Q Did you live with your husband until he died? A Yes sir.
Q You were never separated? A No sir.
Q Have you any children under twenty-one years of age for whom you desire to make application? A Yes sir, I have seven.
Q What do you claim these children to be? A I suppose they are about one-sixteenth.
Q What was your husband? A He claimed to be one-eighth.
Q What are the names and ages of the children? A Mabel Lamar seventeen years old. Found on page 493, #1762, Delaware District. Jessie Lamar, fifteen years old. Found on page 493, #1783, Dela

ware District; on 1896 roll as Jesse. Lucius, thirteen years old. Found on page 493, #1764, Delaware District. Maud, eleven years old. Found on page 493, #1765, Delaware District. Nettie, eight years old. Found on page 493, #1766, Delaware District. Mildred, six years old. Found on page 493, #1767, Delaware District. Frankie, a girl, three years old. All but last on 1896 roll.

Com'r Needles: The name of Mary Lamar being found on the 1880 authenticated roll of the citizens of the Cherokee Nation, page 278, #1501; and that of her children, Mabel, Jessie, Lucius, Maud, Nettie and Mildred, being found upon the rolls of 1894 and 1896, and applicant being fully identified as the same person enrolled as above, she is hereby enrolled by this commission, together with her children.

M.D.Green, being first duly sworn, states that he as stenographer to the Commission to the Five Civilized Tribes has reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said case.

M.D. Green

Subscribed and sworn to before me this 9 day of July 1900

Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 9 1900

ACTING CHAIRMAN

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 4th, 1902.

In the matter of the application of Mary Lamar for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her children, Mabel, Jessie, Lucius, Maud, Nettie, Mildred and Frankie Lamar, as citizens by blood of the Cherokee Nation.

Supplemental to #44.

Appearances:

Henry Kiefer for Applicant.
J. C. Starr for Cherokee Nation.

HENRY KIEFER, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A. Henry Kiefer.
Q. Age, Mr. Kiefer? A. 49.
Q. What is your post office? A. Fairland.
Q. Are you acquaintedwith Mary Lamar, who is an applicant before this Commission for enrollment as an intermarried citizen?
A. Yes, sir.
Q. How long have you known Mary Lamar? A. 17 years.
Q. Is she a citizen by blood of white woman? A. She is a white woman.
Q. What is her husband's name? A. Frank Lamar.
Q. Is he living or dead? A. He is dead.
Q. Was Frank Lamar a citizen by blood of the Cherokee Nation?
A. Citizen by blood.
Q. Do you know about when Frank Lamar and Mary Lamar were married?
A. I don't know exactly the time when they was married.
Q. Were they living together as husband and wife when you first knew them? A. Yes, sir.
Q. How long has Frank Lamar been dead? A. He has been dead now about four years, I guess.
Q. Did Mary Lamar and Frank Lamar live together from the time you knew them up to the time of his death? A. Yes, sir.
Q. They never were separated during that time? A. No, sir.
Q. Has she remarried since his death? A. No, sir.
Q. Was she still single and a widow on the first of September, 1902? A. Yes, sir.
Q. How long has Mary Lamar lived in the Cherokee Nation?
A. She has lived here ever since I knowed her.
Q. Has she lived here for the last 17 years all the time?
A. Yes, sir.
Q. Do you know these children? A. Yes, sir; I know the children; every one of them. I am their uncle.
Q. Is Mabel, Jessie, Lucius, Maud, Nettie, Mildred and Frankie, Mary Lamar's children by her husband Frank Lamar? A. Yes, sir.
Q. Are all these children living now? A. Yes, sir; all living.
Q. Have they lived in the Cherokee Nation all the time since their berth? A. Yes, sir; right there on the farm.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 29th day of October, 1902.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 31 1902
ACTING CHAIRMAN

Jesse O. Carr, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29th day of October, 1902.

Notary Public.

Cher
Supp'l to # 44

1

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of MARY LAMAR, for the enrollment of herself as a citizen by intermarriage, and her children MABEL, JESSIE, LUCIUS, MAUD, NETTIE, MILDRED and FRANKIE LAMAR, as citizens by blood, of the Cherokee Nation:

MARY LAMAR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Mary Lamar.
Q How old are you ? A Forty seven.
Q What is your post office address ? A Fairland.
Q Are you a white woman ? A Yes sir.
Q Is your name on the roll of 1880 as an adopted white citizen ?
A Yes sir.
Q What was the name of your husband in 1880 ?
A Franklin Lamar.
Q Is he the husband through whom you are claiming your citizenship at this time ? A Yes sir.
Q When did he die ? A Its been five years.
Q Did you live with your husband Franklin Lamar from 1880 up till he died five years ago ? A Yes sir.
Q Never were separated ? A No sir.
Q And did you make your home in the Cherokee Nation during that time ? A Yes sir.
Q Have you been living in the Cherokee Nation since the death of your husband ? A Yes sir.
Q Have you married again ? A No sir.
Q How many children have you ? A I have got eight.
Q What is the eldest one's name ? A Jennie.
Q She is married ? A Yes sir.
Q She enrolled herself ? A Yes sir.
Q You have got seven children living at home with you ?
A Yes sir.
Q And have they lived in the Cherokee Nation all their lives ?
A Yes sir, all their lives.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 12, 1902.

B O Jones
Notary Public.

F.R. Cherokee 44.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 31, 1907.

In the matter of the application for the enrollment of Mary Lamar as a citizen by intermarriage of the Cherokee Nation.

Henry Kiefer being first duly sworn by J. R. Tidwell, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Henry Kiefer.
Q Your age? A Fifty-four years old.
Q What is your postoffice address? A Fairland, I. T.
Q You appar here for the purpose of giving testimony relative to the right of Mary Lamar to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q In what capacity do you represent Mary Lamar? A Administrator of her estate.
Q When did Mary Lamar die? A She died April 24, 1904.
Q Mary Lamat was a white woman was she? A Yes sir.
Q Not possessed of any Indian blood? A Not that I know of.
Q She claimed her right to enrollment by virtue of her marriage to a citizen of the Cherokee Nation? A Yes, Frank Lamar.
Q Do you know when she was married to Frank Lamar?
A No, I do not.
Q Do you know where she was married to him? A I heard them say.
Q What is your understanding? A I heard she waa married down here at the Salk Works at Bryant's Chapel.
Q What district A I think it is Saline district.
Q Have you any documentary evidence of that marriage?
A No, I have not except this here from Mr. Thompson what married her, because all her papers was blowed away in a cyalone and nothing was leftbehind to show the evidence.
Q Who performed the marriage ceremony? A J. F. Thompson.
Q Mr. Thompson lives at Tahlequah, does he? A Yes sir.
Q He could come to testify in this case could he not? A I suppose so. That's what I come down here to find out to see if its necessary for him to come. I expect we could get him.
Q How long have you known Mary Lamar? A I know her I guess for thirty years.
Q Did you know her before she was married? A No sir.
Q Do you know what her name was before she was married?
A She was called Stansberg before she was married.
Q Is it your understanding that she had never been married before she married Frank Lamar? A No, she was never married before.
Q Is it your understanding that Frank Lamar hadnever been married before he married Mary Laram? A Yes, that is my understanding.
Q Did they live together as husband and wife from the time of their marriage until his death? A Yes sir.
Q All the time in the Cherokee nation? A Yes sir. I have known them on the same place for 26 or 27 years.

Q They never separated nor never moved out of the Territory at any time, did they? A No sir.
Q Is it your understanding that at the time they were married Frank Lamar was a recognized citizen of the Cherokee nation? A Yes sir. She was killed in a cyclone in 1894 and everything was thrown to the winds and there is nothing that could be found of any of the records. Stuff was scattered two or three miles from home. That is why we have got no record except what we can get now to establish it.
Q When did Frank Lamar die? A He died 7 or 8 years ago
Q And did Mary Lamar marry after Frank Lamar died? No, she was a widow when she died. When she was killed.
Q Is it your understanding that Mary Lamar had records showing this marriage? A That is what they say; they say the records was in the bible and they never have found them because everything was destroyed.
Q Destroyed in the cyclone? A Yes sir.
Q That was at the the Mary Lamar was killed? A Yes sir.
Q Have you got anyone here who was present at that marriage? A No sir.
Q Do you know anyone living at this time who was present at therir marriage except the minister, Mr. Thompson? A No sir.

Margaret E. Kelley being first duly sworn by J. R. Tidwell, testified as follows:
Q What is your name? A Margaret E. Kelley.
Q How old are you? A Thirty-six.
Q What is your postoffice address? A Fairland, I. T.
Q You wish to testify in this case of Mary Lamar, do you? A Yes sir.
Q How long have you known Mary Lamar? A Known her all my life.
Q Are you related to Mary Lamar? A Only by marriage.
Q How were you related to Frank Lamar? A He is my uncle.
Q Since you can first remember have these people, Mary Lamar and Frank Lamar, lived together as husband and wife and lived in the Cheroke Nation until their deaths? A Yes sir.
Q Frank Lamar died some 7 or 8 years ago? Is that correct? A I don't just recollect.
Q Who died first, Frank Lamar or Mary Lamar? A Frank.
Q And then Mary Lamar was killed in a cyclone in 1904? A Yes sir.
Q Frank Lamar was recognized as a citizen of the Cherokee Nation and exercised the rights and priveleges accorded to citizens? A Yes sir.

The applicant, Mary Lamar, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 1501, and on the Cherokee census roll of 1896, Delaware District, page 580, No. 312, as an intermarried citizen of the Cherokee nation.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this January 21, 1907.

Edward Merrill
Notary Public.

F.R.

Cherokee 44.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 1, 1907.

In the matter of the application for the enrollment of Mary Lamar as a citizen by intermarriage of the Cherokee Nation.
Cheroke Nation represented by H. M. Vance.

J. F. Thompson being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:
By the Commissioner:
Q What is your name? A J. F. Thompson.
Q Your age? A Nearly 66.
Q Your postoffice address? A Tahlequah, I. T.
Q You are a minister of the Gospel are you? A Yes sir.
Q How long have you been a minister of the Gospel? A Sinve about '70.
Q Where were you preaching along about the years 1870 to '75?
A I was preaching in the neighborhood of Grand River; we called it Grand River circuit at that time.
Q That was in the Cherokee nation? A Yes sir.
Q Did you know one Mary Lamar in the Cherokee nation?
A Yes sir.
Q Did you know her husband, Frank Lamar? A A Yes sir.
Q Do you remember the circumstance of their marriage? A Yes sir.
Q Were they married by you? A Yes sir.
Q When were they married? A I am not sure whether it was in August 1872 or 1873. I lost the records I had by fire, but I married them in August either 1872 or 1873. But I am impressed with the fact that it was 1872.
Q How do you fix the date as being 1872 or 1873; 1872 I think.
Q How do you fix the date as being 1872?
A Because at that time I was a member of the traveling ~~circuit~~ connection. I joined the traveling connection in 1873, but at that time I was local preacher- what we call in the Baptist church a local preacher and I only preached at four points, and in the fall of 1873 I joined the traveling connection and traveled over the section of country embracing about forty miles up and down the river, and it was before I joined the traveling connection that I married them.
Q Was this marriage ceremony performed under a license of the Cherokee nation? A No, no license.
Q Mr. Lamar was a Cherokee citizen? A Yes sir.
Q This marriage ceremony was in accordance with the laws and customs of the Cherokee Nation, however? A Yes; there was no law requiring a license where a citizen married a white lady.
Q Do you remember whether or not you executed and delivered to them a certificate showing the marriage? A No, I don't think I gave them any marriage certificate.
Q Therefore, there would not be any tribal record showing it?
A No, I think not.
Q Did you know them after this marriage? A Yes, I knew them intimately until '76.
Q Well, from the time of their marriage they lived together as

husband and wife and resided in the Cherokee Nation?
A Yes, I know of their living together until 1897 but I never visited their neighborhood after 1898.
Q It is your understanding that they continued to reside as husband and wife? A Yes, and I met him very often; he was a member of the council.
Q At the time you married these people did you know or understand whether or not either of them had ever been married before? A I never had much acquaintance with her, but with him I knew his father and the family before, and I knew her intimately afterwards, and I never heard of anything like that.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this ~~January~~ February 2, 1906

Edward Merrick
Notary Public

E C M Cherokee 44.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY LAMAR as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on July 9, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Mary Lamar as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 4, 1902, October 24, 1902, January 31, 1907 and February 1, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mary Lamar, a white woman, was married about the year 1872 to one Frank Lamar, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No.1500 as a native Cherokee, marked "Dead"; that from the time of said marriage until the death of said Frank Lamar, which occurred about 1900, the said Frank Lamar and Mary Lamar resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Frank Lamar the said Mary Lamar has remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Mary Lamar is entitled under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1, 1907.

Cherokee

44.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting the application for the enrollment of Mary Lamar as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-45.
HJC

Commissioner.

Cheroke e 44.

Muskogee, Indian Territory, February 13, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Mary Lamar as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately

Respectfully,

M. W. Hastings

Attorney for Cherokee Nation.

Cherokee
44.

Muskogee, Indian Territory, February 13, 1907.

Mary Lamar,

Fairland, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.HJ-46.
HJC

Commissioner.

Cher I W 181

Cher I W 181

E.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

JOHN LEMASTER

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.119.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FAIRLAND, I. T., JULY 11th, 1900.

IN THE MATTER OF THE APPLICATION OF John Leamaster et al for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckenridge, testified as follows:

Q What is your name? A John Leamaster.
Q What is your age? A Fifty-two.
Q What is your Postoffice address? A Fairland, I. T.
Q What is your district? A Delaware.
Q How far do you live from Fairland? A Five miles.
Q How long have you lived in this District? A Nearly six years.
Q Where did you live before you were in this District? A Flint.
Q How long did you live there? A About twenty four years.
Q Have you lived during all that time in Flint and Delaware Districts? A Yes sir.
Q Never lived out of the Territory? A No sir.
Q Do you claim as a Cherokee by blood? A No sir.
Q By inter-marriage? A Yes sir.
Q Does your name appear on the 1880 authenticated roll of citizens of the Cherokee Nation? A Yes sir.
(Roll of 1880 examined, and on Page 377 thereof, #604, appears the name of John Leamaster, Flint District.
Q Are you married? A Yes sir.
Q Do you make application now for your wife? A I can; she is here.
Q Have you children? A Yes sir.
Q How many under twenty one years of age? and unmarried?
A Five.

Applicant's wife, being called, and sworn by Commissioner, C. R. Breckenridge, testified as follows:

Q What is your name? A Narcissa Leamaster.
Q Are you the wife of John Leamaster? A Yes sir.
Q Do you claim as a Cherokee by blood? A Yes sir.
Q Have you lived with him ever since your marriage? A Yes sir.
Q Some twenty eight years ago? A Twenty eight years ago, I guess.
Q At his home and with him all the time? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
(Narcissa Leamaster duly identified on Page 377, #605, Roll of 1880, Flint District)
Q Is your father living? A No sir.
Q Was he on the Roll of 1880? A Yes sir.
Q What was his name? A Buffington.
Q What is his full name? A Ellis Buffington., he has been dead about forty years I guess.
Q Is your mother living? A Yes sir.
Q Give me the names of your children under twenty one years of age? A Curtis Leamaster, 18 years old.
Q Does he live with you? A Yes sir.
(Upon examining Roll of 1896, name of Curtis Leamaster appears on Page 494 thereof, #1780, Delaware District)
Q Now the next child? A Elizabeth Leamaster, 15 years old.
(Roll of 1896 consulted and on Page ~~[illegible]~~ 494 thereof, #1781, appears the name of Eliza Leamaster.)
Q Now the next one? A Alice May Leamaster. (Roll of 1896 consulted, and on Page 494 thereof, #1782, appears the name of Alice May Leamaster, Delaware District.)
Q Next child? A Nellie.
Q Is that all the name? A Yes sir.
Q How old is she? A Eight years old.
(Roll of 1896 consulted, and on Page 494 thereof, #1783 appears the name of Nellie Leamaster)
Q Any more? A I have one that is not on any Roll.
Q This little one (indicating baby in applicant's arms)?
A Yes sir.
Q What is its name? A Jessie, eighteen months old.

(Last question on preceeding page repeated)
Q What is its name? A Jessie, eighteen months old.
Q Boy or girl? A Girl.
Q You will be furnished a certificate to fill out, proving the birth of this child, signed by the Doctor or midwife attending, and you will mail the certificate, when properly filled out, to the Commission at its offices at Muskogee.

Notice by the Commission:
Mr. Lemmster, your names being found duly recorded, that of yourself and your wife on the roll of 1896, you will be entered upon the roll now being made by the Commission, and your children being duly identified on the Roll of 1896, they will be also entered upon this roll, except the youngest one, who will not be entered until you furnish a certificate of birth, properly filled out, to the Commission, when the youngest child will also be likewise enrolled.

R. R. Gravens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the foregoing and above is a true, full and correct transcript of his stenographic notes in said case.

R. R. Gravens

Sworn to and subscribed before me this 12th day of July, 1900.

Clifton R. Breckinridge

COMMISSIONER.

add

Cherokee card 119

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T., September 3, 1902.

In the matter of the application of John Lemaster et. al. for enrollment as Cherokee citizens.

SUPPLEMENTAL STATEMENT.

o-o-o-o

An examination of the Cherokee census roll of 1896 for Delaware District shows that John Lemaster is identified thereon, at page 580, No. 316; and that Narcissa Lemaster is identified on that roll, at page 49, No. 1778.

C. R. Breckinridge

Commissioner.

27 1934

Cher
Supp'l to # 119

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 24, 1902.

In the matter of the application of JOHN LEMASTER, for the enrollment of himself as a citizen by intermarriage and his wife, NARCISSA LEMASTER, and his children, CURTIS, ELIZABETH, ALICE MAY, NELLIE and JESSIE LEMASTER, as citizens by blood, of the Cherokee Nation:

JOHN LEMASTER, being duly sworn and examined by the Commission, testified as follows:

Q Your name is John Lemaster ? A Yes sir
Q How old are you ? A Fifty four years old.
Q What is your post office address ? A Fairland.
Q You are a white man ? A Yes sir.
Q Is your name on the 1880 roll as an adopted white citizen ?
A Yes sir.
Q What was your wife's name ? A Narcissa Buffington.
Q Is she a Cherokee by blood ? A Yes sir.
Q Was she your wife in 1880 ? A Yes sir.
Q Is she the wife through whom you are claiming your rights of citizenship ? A Yes sir.
Q Have you and your wife Narcissa been living together in the Cherokee Nation ever since 1880 ? A Yes sir.
Q Never lived anywhere else ? A No sir.
Q You and your wife never been separated ? A No sir.
Q How many children have you ? A Seven.
Q Two of them are old enough to enroll themselves ?
A Three of them are.
Q How many of them are living at home with you ? A Four.
Q Is Curtis married ? A No sir.
Q Is Curtis living at home with you ? A Yes sir.
Q Elizabeth, Alice May, Nellie and Jessie ? A She is dead.
Q Jessie is dead is she ? A Yes sir.
Q When did she die ? A She died a year ago last April.
Q Have you any child younger than Jessie ? A No sir.
Q You have four children living at home with you ?
A My third son stays at home part of the time.
Q What is his name ? A William.
Q How old is he ? A About twenty two.
Q Is Jessie the only member of your family who has died within the past two years ? A Yes sir, the only one.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 13, 1902.

B A Jones
Notary Public.

C O P Y .

Cherokee Nation)
)
Flint District) By the authority in me vested by the Law of the Cherokee Nation, I do hereby Grant License of Marriage to John Lemaster, a citizen of the United States, and a man of Good Moral character and of industrious habits, to marry Miss. Narcissa Buffington a Cherokee by Birth and a daughter of Ellis Buffington, De'cd. He (John Lemaster) having complyed with the requirements of the Law regulating intermarriage with white men. Given from under my hand in office, this the 11th day of Feby. 1871.

(Signed) James W. Adair Clk.

Dist. Ct.Flint, C.N.

License fee $5.00

I hereby certify that I solemnized the marriage of the above named John Lemaster and Narcissa Buffington according to the requirements of law.

Flint District C.N.)
Feby.15, 1871)

(Signed) W. A. Duncan

Minister,M.E.C South.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Mary Labor Mallory

Subscribed and sworn to before me this 24th day of January,1907.

Chas E Webster
Notary Public.

E C M

Cherokee 119.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOHN LEMASTER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on July 11th, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of John Lemaster as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 3rd, 1902 and October 24th, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John Lemaster, a white man, was married in accordance with Cherokee law February 15th, 1871 to his wife Narcissa Lemaster, nee Buffington, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Flint District No.805 as a native Cherokee, and whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation, opposite No.377. It is further shown that from the time of said marriage the said John Lemaster and Narcissa Lemaster resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1st, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John Lemaster is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 1 1 1907.

Cherokee 119

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of John Lemaster as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-28
JMH

Commissioner.

Cherokee 119

Muskogee, Indian Territory, February 14, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John Lemaster as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 119

Muskogee, Indian Territory, February 14, 1907.

Joe Lemaster,

Fairland, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of John Lemaster as a citizen by intermarriage of the Cherokee Nation.

You will be advised when the name of the said John Lemaster has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-29
JMM

Commissioner.

Cherokee
I.W.161

Muskogee, Indian Territory, April 16, 1907.

Joe Lemaster,

Fairland, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Commissioner.

Encl.W-12.
SM

Cher IW 182

Cher IW 182

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
STILWELL, I.T., JULY 26, 1900.

In the matter of the application of Benjamin F. Goss et al., for enrollment as citizens of the Cherokee Nation, said Goss being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A Benjamin F. Goss.
Q Your age? A 43.
Q Your postoffice? A Stilwell.
Q Have you been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation? A Yes.
Q Have you been enrolled by the Cherokee Tribal authorities as a citizen of the Cherokee Nation? A Yes.
Q Where do you live? A Goingsnake district.
Q How long have you lived there? A Since '37 .
Q Been living continuously in the Cherokee Nation for that length of time? A Yes.
Q Are you a Cherokee by blood? A Yes.
Q What is the name of your father? A Thomas Goss.
Q Is he living? A No sir.
Q What is your mother's name? A Mary.
Q Is she living? A No sir.
B. F. Goss on '80 roll, page 437, number 813;
On '96 roll, page 751, number 904, as Benjamin F. Goss.
On '94 roll, page 658, number 995 as Benj. F. Goss.
Q What proportion of Cherokee blood do you claim? A 1/8.
Q Are you married? A Yes.
Q Is your wife living? A Yes. I have been married twice.
Q When were you married to your last wife? A In '72.
Q What is her name? A Demaris.
Q Is she a citizen by blood? A No sir.
Q Is her name on the '80 rolls? A Yes.
On '80 roll, page 437, number 814 as Mitie.
On '96 roll, page 822, number 76.
Q Have you any children under 21? A No sir.
Q Just went to enroll yourself and wife? A Yes.

The name of Benjamin F. Goss being found upon the authenticated roll of '80 as well as the census roll of '96 and the pay-roll of '94, and his wife, Demaris' name being also found upon the authenticated roll of '80 as well as the census roll of '96, and proof being made as to their residence, ~~they are entitled~~ he is ordered listed for enrollment as a Cherokee by blood by this Commission, and she as a citizen by intermarriage.

Brown McDonald, being duly sworn, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 2nd day of August, 1900, at Bunch, I.T.

Commissioner.

(V 710

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 3 1900

JOR.
Cher. 710.

Departmentof the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of DEMARIS GOSS as a citizen by intermarriage of the Cherokee Nation.

DEMARIS GOSS, being first duly sworn, testified as follows:

BY COMMISSION: What is your name? A Demaris Goss.
Q How old are you? A I don't know my age exactly. About fifty-eight or -nine.
Q What is your post office address? A Stilwell?
Q Are you a white woman? A Yes sir.
Q Has application been made to this Commission for your enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q What is the name of your husband? A Benjamin F. Goss.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to him? A Yes sir.
Q When were you and he married? A In 1870.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q Were you ever married before you marriedhim? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q What was the name of his first wife? A Emily bean.
Q Is she living? A No sir.
Q Was she living when you and he married? Z No sir.
Q Was t at the only time your husband was ever married before he married you? A Yes sir.
Q He is your first husband and you are his second wife? A Yes sir.
Q Have you and he lived together continuously since your marriage? A Yes sir.
Q Were you living together on the 1st day of September, 1902? A Yes sir.
Q Never been separated? A No sir.
Q Have you resided in the Cherokee Nation continuously since you married him? A Yes sir.
Q Has he also? A Yes sir.
Q Have you any minor children? A No sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Demaris Goss as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 710.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 8th day of November, 1902.

T. B. Jones
Notary Public.

C. F. B. Cherokee 710.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 8, 1907.

In the Matter of the Application for the Enrollment of Demaris Goss as a citizen by Intermarriage of the Cherokee Nation.

APPEARANCES:

William P. Goss for Applicant.

Cherokee Nation represented by
W. W. Hastings, Attorney.

William P. Goss being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A William P. Goss.
Q What is your age? A 33.
Q What is your post office address?
A Stilwell, Indian Territory.
Q Do you appear here to-day for the purpose of giving testimony relative to the right to enrollment of Demaris Goss as a citizen by intermarriage of the Cherokee Nation?
A Yes sir; I have an affidavit from her executed before a Notary Public, giving me power of attorney to transact business for her.
Q Are you related to her?
A Yes sir; she's my mother.
Q She claims the right to enrollment as a citizen of the Cherokee Nation?
A Yes sir.
Q What is the name of your father?
A Benjamin F. Goss.
Q Is he living or dead?
A Living.
Q He is a Cherokee by blood?
A Yes sir.
Q The only claim that your mother makes to the right to enrollment as a citizen of the Cherokee Nation is by virtue of her marriage to your father, Benjamin F. Goss?
A Yes sir.
Q Both your father and your mother are living at this time?
A Yes sir.
Q Have you any evidence of a documentary character showing the marriage of your father and mother?
A I have her affidavit here. They didn't have any marriage license or marriage certificate but I have the affidavit of a witness who saw them married.
Q You have the affidavit of your mother as to the marriage and the affidavit of a witness who ~~saw them married~~ was present at the marriage?
A Yes sir.
Q Why did your father or your mother not appear to-day for the purpose of giving testimony?
A They are both sick. They are old and unable to get here.
Q Is it your understanding that your father was a recognized citizen by blood of the Cherokee Nation and residing in the Cherokee Nation at the time he married your mother?
A Yes sir.

C. F. B. Cherokee 710.

Q They have been living together as husband and wife since you can remember?
A Yes sir.
Q Never has been any separation of any kind?
A No sir.

The applicant, Demaris Goss, is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No. 814. Her husband, Benjamin F. Goss, is identified on said roll at No. 813 and his name appears on the approved partial roll of citizens of the Cherokee Nation opposite No. 1988.

Q Is it your understanding that your mother was your father's first wife?
A No sir; he has been married twice.
Q Was his former wife living or dead at the time he married your mother?
A It is my understanding that she was dead.
Q Was your mother, to the best of your knowledge, married prior to her marriage to your father?
A No sir; I never have heard of it if she was.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hall

Subscribed and sworn to before me this the 12th day of January, 1907.

Chas E Webster

Notary Public.

Personally appeared before me this 7. day of Jan. 1907. Phebe A. Adair of near Stilwell I.T. ~~and~~ Northern District who says: That on July 24th 1872. I witnessed the Marriage ceremony of Mr. Benj. F. Goss and Demarie Pace by Rev. D. M. Morris (Dec'd) at the home of D. M. Morris ~~Morris~~ according to the laws of the Cherokee Nation, and that they have been living together as man and wife from that time to this Witness my hand this 7th day of Jan. 1907.

Signed Phebe A. Adair
By H. McAdair

Sworn to and subscribed before me this 7. day of Jan. 1907.

Hugh W Adair
Notary Public

My Commission expires Jan 24 1908

COPY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That I Demaris Goss of near Stilwell, Indian Territory, has made, constituted and appointed, and by these presents does make, constitute and appoint Wm. P. Goss, of near Stilwell, Indian Territory, her true and lawful attorney for her, and in her name, place and stead, to transact such business as may be necessary in the primises to file for me or anything that is required before the "Com. of the Five Civilized Tribes." ----------giving and granting unto her said attorney full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done, as fully to all intents and purposes as she might or could do, if personally present; hereby ratifying and confirming all that her said attorney shall lawfully do, or cause to be done, by virtue hereof.

In witness whereof, she has hereunto set her hand this 7th day of Jan, A. D. 1907.

Demaris Goss

Witnesses to Mark:

UNITED STATES OF AMERICA,)
INDIAN TERRIRORY,) SS.
Northern District.)

Be it remembered that on this day personally appeared before me Demaris Goss to me personally known to be the person who executed the foregoing power of attorney, and being by me examined separately and apart from her said attorney W. P. Goss stated and acknowledged that she had executed said instrument as her free and voluntary act and deed, without compulsion or undue influence, and for the purposes therein mentioned and set forth.

In testimony whereof I have hereunto set my hand and affixed my Notarial Seal this 7 day of Jan A. D. 1907.

Hugh M. Adair.

(SEAL) Notary Public.

My commission expires Nov 21 1908.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original Power of Attorney now on file in this office.

Hazen J. Crumley

Subscribed and sworn to before me this 19, day of January 1907.

Chas E Webster
Notary Public.

Cherokee 710.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
February 11, 1907.

SUPPLEMENTAL:

In the matter of the application for the enrollment of DEMARIS GOSS as a citizen by intermarriage of the Cherokee Nation.

Benjamin F. Goss, being first duly sworn by Walter W. Chapell, a Notary Public, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name?
A Benjamin F. Goss.
Q Your age?
A My age is 79 and past.
Q What is your post-office address?
A Stillwell, Indian Territory.
Q You are the husband of Demaris Goss?
A Yes sir.
Q Is she an applicant before the Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q When were you married to Demaris Goss?
A I was married in '72.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Have you always lived in the Cherokee Nation?
A Only what time I was in California, that was about two years.
Q Were you born here?
A I was born in Georgia, moved here in '37 and lived here ever since.
Q After coming from Georgia to the Cherokee Nation was it necessary for you to be admitted to citizenship?
A No sir.
Q Since your marriage to Demaris Goss have you and she continuously lived in the Cherokee Nation?
A Yes sir.
Q And lived together as husband and wife all the time?
A Yes sir.
Q Were either of you ever married before?
A I was.
Q Was your first wife dead at the time of your marriage to Demaris Goss?
A She had been dead about twelve years. Died in 1860.
Q Do you remember whether Phoebe Adair was present at your marriage or not?
A Yes sir.
Q She saw you married did she?
A Yes sir.

(Witness excused)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Margaret Kirkley
Stenographer.

Subscribed and sworn to before me this 12th day of February, 1907.

Walter W. Chappell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
STILWELL, I. T., FEBRUARY 9, 1907.

In the matter of the application for the enrollment of BENJAMIN F. GOSS as a citizen by intermarriage of the Cherokee Nation.

Charles B. Wilson, being first duly sworn, doth depose and say that the above and foregoing are the original questions propounded by him to, and the answers returned thereto by Phoeba A. Adair the above named witness.

Charles B Wilson

Subscribed and sworn to before me this 11th day of February, 1907.

Charles W. Powell,
Notary Public.

E C M

Cherokee 1710.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of DEMARIS GOSS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Stillwell, Indian Territory, July 26, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Demaris Goss as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 21, 1902 and at Muskogee, Indian Territory January 8, 1907 and February 11, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Demaris Goss, a white woman, was married July 24, 1872 to one Benjamin F. Goss, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District No.813, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.1988. It is further shown that from the time of said marriage the said Benjamin F. Goss and Demaris Goss resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Demaris Goss, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 15 1907.

Cherokee 710

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting the application for the enrollment of Demaris Goss as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-4
JMH

Cherokee 710

Muskogee, Indian Territory, February 15, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Demaris Goss as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W Hachins

Attorney for Cherokee Nation.

Cherokee 710

Muskogee, Indian Territory, February 15,1907.

Demaris Goss,

Stilwell, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-5
JMH

Commissioner.

Cher IW 183

Trans from Cher 1561 3-20-07

Cher IW 183

E.G.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

SIMEON ELDRIDGE

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.1561.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muldrow, I. T.? August 17,1900.

In the matter of the application of Simeon Eldridge for the enrollment of himself, ~~wife~~ and two children as Cherokee citizens: being sworn and examined by Commissioner Breckinridge he testifies:

Q What is your full name? A Simeon Eldridge.
Q What is your age? A Forty-six.
Q What is your post-office? A Pawpaw.
Q Your district? A Sequoyah.
Q You apply to have yourself enrolled? A Yes sir.
Q Anybody else? A My two boys.
Q No wife? A No sir.
Q You apply for yourself as a Cherokee by blood? A No, I am adopted.
Q How long have you lived in the Cherokee Nation? A Twenty-six years.
Q Are you on the roll of 1880? A Yes sir, I think so.
Q When were you married? A In 1874.
Q Is your wife dead? A Yes sir.
Q When did she die? A She died last January was a year ago. It was 1899 I reckon.
Q Have you ever ~~been~~ married re-~~admitted~~? A No sir.
Q Did you and your wife live together from the time of your marriage until her death? A Yes sir.
Q What was your wife's name? A Nancy Jane Thornton.
Q She was your wife in 1880? A Yes sir.
Q She was a Cherokee by blood was she? A Yes sir.
Q Give me the names of your children? A Jesse, a boy, seventeen years old; William J., fifteen years old.
Q These children are both living? A Yes sir.
Q What is the name of your father? A William B. Eldridge.
Q He was a white man? A Yes sir.
Q What is the name of your mother? A Jane Guinn.
Q Was she a white woman? A Yes sir.
Q Not an Indian? A No sir, not that I know of.
Q Is your father living or dead? A Dead.
Q Your mother living or dead? A Dead.
1880 roll examined for applicant; page 694 #440 Simon Eldridge, Sequoyah District.
1880 roll examined for wife; page 694 #441 Mary J. Eldridge, Sequoyah
1896 roll page 1113 #54 Simon Eldridge, Sequoyah District.
1896 roll page 1065 #453 Nancy J. Eldridge, Sequoyah District.
1896 roll page 1065 #454 Jessie Eldrige Sequoyah District.
1896 roll page 1065 #455 William J. Eldrige, Sequoyah District.

Com'r Breckinridge: This applicant is duly identified on the rolls of 1880 and 1896 as a Cherokee by adoption, and he will be enrolled now as a Cherokee by adoption; his deceased wife, is identified on both rolls of 1880 and 1896 as his wife, and their two children Jesse and William J. are identified on the roll of 1896 and these two children will now be listed for enrollment as Cherokees by blood.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoing is a full true and complete transcript of his stenographic notes.

M D Green

Subscribed and sworn to before me this 24 day of Aug.1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 24 1906

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 17, 1906.

[illegible] of the application of Green Eldridge for the enrollment of his children, [illegible] as follows: [illegible] and examined by Commissioner [illegible] to testified:

[illegible]

[illegible] Green Eldridge.
[illegible] A [illegible].
[illegible] A Powers.
[illegible] Powers.
[illegible] A [illegible].
Anybody else? A No two boys.
[illegible] A No sir.
[illegible] No, I was adopted.
Q How long have you lived in [illegible] A Twenty-six years.
Are you on the roll of [illegible] I think so.
When were you enrolled? A In 1898.
Is your wife dead? A Yes sir.
When did she die? A The first part of [illegible] year.
[illegible]
[illegible] A [illegible].
Did you [illegible] A [illegible].
[illegible] A [illegible].
[illegible] A [illegible] the water.
The was [illegible] 1880? A [illegible].
[illegible]
Have in [illegible] your children? [illegible], seventeen years old; [illegible] years old.
[illegible] A [illegible].
[illegible] A [illegible].
[illegible] A [illegible].
[illegible] A Yes sir.
[illegible]
Was [illegible] A Yes sir.
Not an Indian? A No sir, not that I know of.
Is your father living or dead? A Dead.
Your mother living or dead? A Dead.

1890 roll examined for applicant; page 64 Sac and Fox Nation Eldridge, Geo. Department District.
1890 roll examined for child; page 64 [illegible] Department District.
1896 roll page [illegible] Eldridge, Department District.
1896 roll page 1068 [illegible] Eldridge, [illegible] District.
1896 roll page 1068 [illegible] Eldridge [illegible] District.
1896 roll page 1068 [illegible] Eldridge, Department District.

Cherokee 1561.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 9, 1902.

In the matter of the application of Simeon Eldridge for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his children, Jesse and William J. Eldridge, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Simeon Eldridge.
Q How old are you? A Forty-nine I believe.
Q What is your postoffice address? A Pawpaw.
Q Are you the identical Simeon Eldridge who applied to this Commission in 1900 for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Are the two children for whom you then applied, Jesse and William J. both living at this time? A Yes sir.
Q Are they living in the Cherokee Nation with you? A Yes sir, they are.
Q You are a white man are you? A Yes sir.
Q What is the name of your wife through whom you claim your right to enrollment? A Nancy J. Thornton.
Q Is she living or dead? A She is dead.
Q When did she die? A In '99.
Q Prior to the time you applied for enrollment? A She died in '99.
Q Have you filed your marriage license and certificate? A I did with the Cherokee Courts.
Q Have you filed it with this Commission? A No sir.
Q Were you married under a Cherokee license? A Yes sir.
Q Were you ever married before you married Nancy J. Thornton? A No sir.
Q Was she ever married before? A No sir.
Q You meant by that she never was married before? A No sir, she never was married before that I know of.
Q She was a Cherokee? A Yessir.
Q When were you married to her? A In '74.
Q You are on the 1880 roll are you? A Yes sir.
Q Did you live with her continuously from the time of your marriage up until the time of her death? A Yes sir.
Q Have you resided in the Cherokee Nation since 1880? A Yes sir.
Q Were your two children born and raised in the Cherokee Nation? A Yes sir.
Q Have they always made their home? A Yes sir.
Q Are they living there now? A Yes sir.
Q You are living in the nation at the present time are you? A Yes sir.
Q Have you married since the death of your wife? A No sir, I haven't.
Q You were a widower on the first day of September, 1902? A Yes sir.
Q And you are to-day? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenburger

Subscribed and sworn to before me this 6th day of November, 1902.

B. O. Jones
Notary Public.

Cherokee 1561

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, INDIAN TERRITORY

In the matter of the application for the enrollment of Simeon Eldridge as a citizen by intermarriage of the Cherokee Nation

The applicant b eing first duly sworn by Walter W. Chappell, a Notary Public for the Western District, testified as follows:

Q What is your name? A Simeon Eldridge
Q Your age? A I am 53 now.
Q Your postoffice address? A Pawpaw, I. T.
Q You claim to be a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Through whom do you claim that right? A By my wife
Q What was her name? A Her name was Nancy Jane Thornton
Q Is she living? A No sir she's dead.
Q What was her citizenship? A She was a Cherokee by blood
Q Where was she born? A I aint sure, I think she was born in Fort Gibson
Q When did she die? A She died in '99, January 9th.
Q Did she live in the Cherokee Nation from her birth to her death?
A Yes sir, I think so, she did all the time I knew her.
Q When were you and she married? A We were married in 1874, February 10th
Q Where were you married? A In Sequoyah district
Q Were you married under authority of a Cherokee license? A Yes sir
Q Have you a certified copy of that license? A No sir I haven't got it
Q Where was that license issued? A Sequoyah district Cherokee Nation.
Q Had either you or your wife been married prior to your marriage in 1874? A No sir.
Q Did you live together continuously from the time of your marriage until her death in 1899? A Yes sir.
Q Lived in the Cherokee Nation during that time did you? A Yes sir
Q Did you have any children by her? A Yes sir.
Q How many? A Six, born to us
Q How many are living at the present time? A Three
Q How many of these are under age? A They are all of age now.
Q What are their names? A Emma, Jesse and Wm J. Eldridge

The names of Jesse and Wm J. Eldridge appear on Cherokee Card No. 1561 together with the applicant and are included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite numbers 4190 and 4191 respectively.

Q Have you married since your wife's death in 1899 ? A Yes sir.
Q When did you marry the second time? A I married in 1903, November 20th.

Cherokee 1561

Q Is your wife living? A Yes sir.
Q What is her citizenship? A She was a citizen of Arkansas
Q Citizen of the United States? A Yes sir.

The applicant is identified on the authenticated Cherokee tribal roll of 1880 and the Cherokee Census Roll of 1896 Sequoyah district opposite numbers 440 and 1113 respectively as an intermarried white.

The marriage records of Sequoyah district furnished this office by the Cherokee Nation do not cover the years prior to 1878 hence no record of the marriage license issued by the Cherokee authorities to the applicant is in the possession of this office.

Q Have you made any effort to secure a certified copy of the license issued to you by the Cherokee authorities? A No sir I didn't know as I would be required to.
Q You have never had a copy of that license? A I don't remember sir, I took it and had it recorded in the clerk's office, Sequoyah district, but I lost my license some way or other
Q These old records are supposed to have been sent to the Cherokee National authorities at Tahlequah and to have been submitted by them to this office, but this office has no record covering the year that you allege this license was issued to you. Will you make an effort to secure a certified copy of this license from the Cherokee authorities at Tahlequah? A Yes sir, I can do that A good many people living there knew I married there and been there all the time, some here, some men here that know it
Q If you fail to secure any documentary evidence of this marriage license having been issued to you could you produce any witnesses who know that such a license was issued. A I don't know sir. T The clerk is dead--I don't know who was present when it was issued. There are some parties living who signed the petition for the license. I could get them and if the records are at Tahlequah I can get their records
Q The records may possibly be there--
A I hear there are some that can't be found
Q What is your citizenship Mr. Eldridge? Are you an Indian?
A No sir, I am a white man.

Further examination will be made for the record of the license above referred to and you will be notified of the result of this examination. In the meantime you will see if you can secure a certified copy of that license from the clerk's office? A Yes sir

Witness excused.

Gertrude Hanna, being first duly sworn, states that she reported the proceedings had in the above case on January 3,1907 and that the above and foregoing is a true and correct transcript of her stenographic notes taken therein.

Gertrude Hanna

Subscribed and sworn to before me this 4th day of January,1907

Notary Public

F. R. Cherokee 1561.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 22, 1907.

In the matter of the application of Simeon Eldridge for enrollment as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL.

C. A. Fargo being first duly sworn testified as follows:

Q What is your name? A C. A. Fargo.
Q What is your age? A 60.
Q What is your post office address?
A Muldrow.
Q Are you acquainted with one Simeon Eldridge?
A Yes sir.
Q How long have you known him? A Since '73.
Q At the time you first knew him was he a married man?
A No sir.
Q Did you ever know one Nancy Jane Eldridge?
A Yes sir.
Q Do you know when they were married?
A Yes sir.
Q When were they married? A In '74.
Q Where?
A I think they were married at Wilson's Rock, Sequoyah District, Cherokee Nation.
Q Do you know whether or not that marriage in '74 was under a license of the Cherokee Nation?
A No, I don't know; Mr. Eldridge was staying with me at the time and he married a second cousin of mine and he brought his petition to me to sign it. The law required 10 Cherokee signers by blood. I signed the petition and my brother did.
Q Were you present at the marriage?
A No sir.
Q It was the understanding that they had been lawfully married in accordance with the Cherokee laws?
A Yes sir.
Q From that time on, they resided together as husband and wife and were recognized as such?
A Yes sir; he enjoyed the same privileges as a Cherokee citizen; had the right to vote and sit on juries.
Q You have every reason to believe that they were married under that license?
A Yes sir.
Q They have continued to reside together as husband and wife and lived in the Cherokee Nation all the time?
A Yes sir. He lived at my house several months after he was married; then I have known them constantly up to the present time.

Rory Wilson being first duly sworn testified as follows:

Q What is your name? A Rory Wilson.

Q What is your age? A 39.
Q What is your post office address?
A Muldrow.
Q Do you know one Simeon Eldridge?
A Yes sir.
Q How long have you known him?
A About 33 years or 32.
Q Since you were about 7 or 8 years old, then?
A Yes sir.
Q At the time you first knew him, was he an unmarried man or a married man?
A My first recollection of him, he was a married man.
Q Do you know the name of his wife?
A Nancy J. Eldridge.
Q When you first knew them, did you live in the same neighborhood with them?
A Yes sir.
Q And at that time they were living together as husband and wife?
A Yes; they were married at my father's house.
Q Were you present at the marriage?
A Yes sir.
Q Do you know whether or not the marriage was under a license of the Cherokee Nation?
A No sir; I can't say.
Q What you want to testify to is that you were present and saw them married?
A Yes sir; I was there.
Q You have no reason to believe that they were not lawfully married in accordance with the laws of the Cherokee Nation at that time?
A No sir; I have not.
Q Who performed the marriage ceremony?
A I can't say; I just remember that they were married; I was small.
Q You have known them on up to the present time?
A Yes sir.
Q They have lived together as man and wife and been so regarded from that time up to the present time?
A Yes sir.
Q You remember the year in which they were married?
A Yes sir; in '74.
Q What reasons have you for thinking it was '74?
A I remember my mother died in February, '74.
Q And you associate the two events together and know that they happened about the same time?

F. R. Cherokee 1561.

A Yes sir; it was just a few days before my mother's death.
Q Where were you living at the time of this marriage?
A Sequoyah District.
Q Near Wilson's Rock?
A Yes sir; at Wilson's Rock.
Q Were you related to Nancy J. Eldridge in any way?
A Yes sir; half brother.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes the reof.

Myrtle Hill

Subscribed and sworn to before me this the 26th day of January, 1907.

John E. Tidwell
Notary Public.

E C M

Cherokee 1561.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SIMEON ELDRIDGE as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muldrow, Indian Territory, August 17, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Simeon Eldridge as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 9, 1902, January 4, 1907 and January 22, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Simeon Eldridge, a white man, was married in accordance with Cherokee law in February, 1874 to his wife, Nancy J. Eldridge, nee Thornton, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Sequoyah District opposite No.441, as "Mary J. Eldridge", an adopted white, but this enrollment is clearly erroneous as said applicant appears on the Cherokee census roll of 1896 as a citizen by blood of the Cherokee Nation. Also two children of said Nancy J. Eldridge appear on said roll as Cherokees by blood. It is further shown that from the time of said marriage until the death of said Nancy J. Eldridge, which occurred in January, 1899, the said Simeon Eldridge and Nancy J. Eldridge resided together as husband and wife and continuously lived in the Cherokee Nation; that after the death of said Nancy J. Eldridge the said Simeon Eldridge remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States Nos. 125, 126, 127 and 128, the said applicant, Simeon Eldridge, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1 . 1907.

Cherokee 1561

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of Simeon Eldridge as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.E-18
JMH

Commissioner.

Cherokee 1561

Muskogee, Indian Territory, February 14, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Simeon Eldridge as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

J. J. Hawkins

Attorney for Cherokee Nation.

Cherokee 1561

Muskogee, Indian Territory, February 14, 1907.

Simeon Eldridge,

Pawpaw, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-19
JMH

Commissioner.

Cher IW 184

Cher IW 184

E.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

STEPHEN N. CARLILE

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.1608.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 20th, 1900

IN THE MATTER OF THE APPLICATION OF Stephen N. Carlile for enrollment ~~xxx~~ as a citizen of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Stephen N. Carlile.
Q What is your age? A Sixty three the 29th of this month.
Q What is your Postoffice? A Gritts.
Q Are you a recognized citizen of the Cherokee Nation?
A Adopted citizen.
Q What district do you live in? A Canadian.
Q How long have you lived there? A Since 1867.
Q Continuously? A Yes sir.
Q For whom do you apply to be enrolled? A Just myself/
Q Only yourself? A Yes sir.
Q Have you no children to enroll? A No sir.
Q What is your father's name? A Thomas Carlile.
Q Is he a non citizen? A Yes sir.
Q What is your mother's name? A Polly Carlile.
Q Does your name appear on the roll of 1880? A I suppose it does.
(Applicant identified on the roll of 1880, Page 9, #239, as S. L. Carlile, Canadian District)
(On the roll of 1896, Page 86, #57, Stephen Carlile, Canadian District)

The name of Stephen N. Carlile, appearing on the authenticated roll of 1880, and the census roll of 1896, being fully identified according to the page and number of said rolls as indicated in the testimony, and having made satisfactory proof of his residence, he will be duly listed for enrollment as a citizen of the Cherokee Nation by intermarriage.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before me this twenty fourth day of August, 1900.

T B Needles

COMMISSIONER.

Q

1608

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 24 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date AUG 20 1900 1900.

(63) Name Stephen M. Carlile Witto 29

District Cascadian Year 1880 Page 9 No. 229

Citizen by blood Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage parents Thomas Carlile Elizabeth Polly

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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B 1608

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 20 1900

ACTING CHAIRMAN.

Cher # 1608

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 2, 1902.

In the matter of the application of STEPHEN N. CARLILE, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

STEPHEN N. CARLILE, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Stephen N. Carlile.
Q What is your post office address ? A Gritts.
Q Are you the same Stephen N. Carlile for whom application was made before this Commission in August, 1900 ? A Yes sir.
Q What was your Cherokee wife's name ? A Josephine Carlile.
Q What was her maiden name ? A Blackstone.
Q Is she living or dead ? A She's been dead fifteen years.
Q When were you and her married ?
A We were married in 1873, in April, 1873.
Q Had you ever been married prior to your marriage to Josephine ?
A Yes sir.
Q How many times ? A Twice before.
Q Were they both white women ? A No sir, my first wife was a Cherokee, and the second a white woman.
Q Were both these wives dead when you married Josephine ?
A Yes sir.
Q You married your first wife under a Cherokee license ?
A Yes sir.
Q Did you file your marriage license in your application ?
A I suppose the clerk of the court did.
Q Did you and your wife Josephine live together as husband and wife from the time of your marriage up to her death ?
A Yes sir.
Q You were never separated ? A No sir.
Q Since your wife Josephine's death have you ever married again ?
A No sir.
Q Still a widower ? A Yes sir.
Q You were a widower on the first day of September, 1902 ?
A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Nearly all my life, sir.
Q Have you lived in the Cherokee Nation all the time since 1880 ?
A Yes sir.
Q Never lived out ? A Lived in Canadian District ever since.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this October 11, 1902.

B O Jones
Notary Public.

F.R. Cherokee 1608.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 28, 1907.

In the matter of the application for the enrollment of Stephen N. Carlisle as a citizen by intermarriage of the Cherokee Nation.

John Carlisle, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A John Carlisle.
Q What is your age? A Thirty-nine years.
Q Your postoffice address? A Campbell, I. T.
Q You appear here for the purpose of giving testimony raltive to the right to enrollment of Stephen N. Carlisle as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q What relation are you to Stephen N. Carlisle? A Son.
Q Is Stephen N. Carlisle living at this time?
A No sir.
Q When did he die? A Died on February 9, 1905.
Q Stephen N. Carlisle was a white man was he? A Yes sir.
Q Not possessed of any Indian blood? A No sir.
Q His claim to the right to enrollment is by virtue of his marriage to a citizen by blood of the Cherokee nation? A Yes.
Q What is the name of the citizen through whom he claimed?
A Josephine Blackstone.
Q When was Stephen N. Carlisle married to her?
A In 1873 I think.
Q Where were they married? A Webbers Falls.
Q Were they married under a license of the Cherokee nation?
A Yes, I think so.
Q Have you any documentary evidence showing that marriage?
A No, I havn't.
Q Do you understand that at the time they were married Miss Blackstone was a citizen by blood of the Cherokee nation?
A Yes sir.
Q And that from the time of their marriage they resides together as husband and wife and lived continuously in the Cherokee nation? A Yes, until her death.
Q Where is Mrs. Carlisle at this time? A She is dead.
Q When did she die. A I declare, I don't know; about 1888 I reckon.
Q Did Stephen N. Carlisle marry again? A Yes sir.
Q Who was his second wife? A Rose Blackstone.
Q Was she a recognized citizen of the Cherokee Nation?
A No sir.
Q She was a white woman? A She was a citizen by adoption but not by blood.
Q What was she? A White woman.
Q When were they married? A They were married in 1904, about a year before my father died, and he died in February, 1905.
Q From the time of the death of Josephine Blackstone he remained unmarried until he married Rose Blackstone in 1904?
A Yes sir.

Q Were Rose Blackstone and Josephine Blackstone related in any way? A Rose Blackstone was the wife of Tom Blackstone; she was sister-in-law by marriage.
Q Is it your understanding that Josephine Blackstone was never married before she married Stephen N. Carlisle?
A Yes sir.
Q Is it your understanding that Stephen N. Carlisle was never married before he married Josephine Blackstone? A Yes, he was married before.
Q Was his first wife living at the time he married Jospehine Blackstone? A No sir.
Q Have you been recognized on any of the rolls of the Cherokee Nation? A No, my mother was a white woman.
Q You are the son of Stephen N. Carlisle's second wife? A Yes, his first wife was a Cherokee; he was married the fourth time; his first wife was a Cherokee and then he married my mother, a white woman, and then he married Josephine Blackstone.
Q What was the name of his first wife? A Eliza Alexander.
Q When was she married to Stephen N. Carlisle? A I don't know; I can't tell you.
Q What was the name of his second wife? A Lottie Pettit.
Q Was Eliza Alexander a citizen of the Cherokee Nation?
A Yes, I think she was; I know she was because they enrolled the children; all on the roll. Of course I don't know anything about it; it is my understanding that she was a citizen.
Q Was she dead at the time he married Lottie Pettit? A Yes.
Q What do you understand to be the date of his marriage to Lottie Pettit? A Well, I don't know.
Q Was Lottie Pettit living at the time he was married to Josephine Blackstone? A No sir.
Q Then Stephen N. Carlisle claims his right to enrollment through Josephine Blackstone whom he married in 1873?
A Yes sir.
Q Do you know in what district they were married? A Canadian.
Q How old were you at the time of his marriage to Josephine Blackstone? A About six years old.
Q Were you present at the marriage? A No sir.
Q Is there anyone present heretoday that was present at that marriage? A No sir.
Q Do you know of anyone who was present at that marriage who is living at this time? A Not unless it is Mrs. McMurray, her sister.
Q Could Mrs. McMurray come here to testify in this case?
A I guess so; I don't know.

The applicant, Stephen N. Carlisle is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, No. 239, and also on the Cherokee Census roll of1896, Canadian District opposite No. 57.

Susan Lynch, being duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Susan Lynch.
Q What is your age? A Sixty next August.
Q What is your postoffice address? A Webbers Falls,I.T.

Q Did you ever know Stephen N. Carlisle in the Cherokee Nation?
A Yes, I knew him ever since I have been in Canadian District--ever since the war.
Q Did you ever know his wife Josephine Blackstone? A Yes.
Q Do you know when they were married? A They were married in 1873, I think in April.
Q Was you present at tht marriage? A No, they were married at home, right below our house.
Q You lived in the neighborhood at that time? A Yes sir.
Q It was the understanding in that community that Stephen N. Carlisle and Josephine Blackstone were married under a license of the Cherokee Nation--lawfully married accord ng to the laws of the Cherokee Nation? A Yes sir.
Q They resided together as husband and wife abd continuously lived in the Cherokee Nation until her death? A Yes sir.
Q When did she die? A Somewhere-- I can't say just what year it was; its several years.
Q From the time of her death did Stephen Carlisle remain unmarried until he married in 1904? A Yes sir.
Q And continued to reside in the Cherokee Nation? A Yes, rigght in the neighborhood.
Q Do you know whether or not Jospehine Blackstone was married prior to the timeshe married Stephen N. Carlisle? A No, she was not.
Q Mr. Carlisle, however, had been married before? A Yes, it is my understanding he had been married twice before.
Q Were either of these wives living at the time he married Josephine Blackstone? A No, I don't think so; I never knew either of his first wives.
Q Do you know anyone who was present at the marriage of Josephine Blackstone in 1873? A No, I don't. Josephine Blackstone had a sister. I expect there is no doubt but she was right at home when she was married.
Q You don't remember any of the signers to Mr. Carlisle's petition, do you? A I think a brother of mine, Jesse Foreman, signed it.
Q Where does Mr. Foreman live? A He is dead.
Q Stephen N. Carlisle and Josephine Blackstone never separated; they lived together until her death? A No, they never separated.

Frank Vore being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

Q What is your name? A Frank Vore.
Q Your age? A Fifty-three
Q Your postoffice address? A Webbers Falls, I. T.
Q Did you ever know Stephen N. Carlisle in the Cherokee Nation?
A Yes sir.
Q When did you first know him? A About 1867 or 68, I expe ct.
Q Did you ever know Josephine Blackstone? A Yes sir.
Q Do you know whether or not Stephen N. Carlisle and Josephine Blackstone were married? A No, I don't know the day of the month. But they were married before 1875. I know that.
Q How do you fix the date as being previous to 1875?
A Jesse Foreman was killed in 1875 and I know Carlisle was

married before that time.
Q You were not present at that marriage? A No, I lived about a quarter of amile from them at that time.
Q Did you understand that that marriage was under a license of the Cherokee nation? A Not for certain, but I think they were married according to the Cherokee laws at that time.
Q You have no reason to think they were not married according to the Cherokee laws? A No sir.
Q From the time of their marriage in 1875 they held themselves out as husband and wife and continuously lived in the Cherokee Nation until the death of his wife? A Yes sir.
Q At the time of the marriage Josephine Blackstone was ~~married~~ recognized as a citizen by blood of the Cherokee nation?
A Yes sir.
Q She had not been married previous to her marriage to Stephen N. Carlisle? A No sir.
Q Stephen N. Carlisle had been married before he married Josephine Blackstone? A Yes sir.
Q Is it your understanding that either of his first wives were living at the time of his marriage to Josephine Blackstone?
A Neither one of them.
Q About what year did Josephine Carlisle die? A I can't say; must have been ten years; must have been--must have lived something like ten years until she died.
Q From the time of her death did Stephen N. Carlisle remarry until 1904? A I believe in the fall of 1903, when he married Rose Blackstone.
Q You couldn't be mistaken as to this daye of the marriage to Rose Blackstone as much as a year could you?
Q Can you state positively that he was not married September 1, 1902? A Well, yes, I believe I could; I think 1902 Carlisle and I took a trip to California.
Q How do you fix the date of his marriage to Rose Blackstone? By what events? A I know when he told me about it.
Q What other other events happened that caused you to fix the date as subsequent to 1902? A I went to California with him and it was after that trip , and that trip was in 1902; but I can't remember dates.
Q You think you made the trip to California in 1902? A Yes.
Q How long did you stay there? A Staid about a month.
Q Then you returned early in the year 1903? A Yes sir.
Q And Mr. Carlisle was not married to Rose Blackstone at that time? A No sir.
Q That is your reason for fixing this date as being after September 1, 1902? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this January 29, 1907 .

Edward Merner
Notary Public.

CERTIFIED COPY.

To any Judge or ordained Minister of the Gospel, Greeting -
You are hereby authorised to solemnize the rites of Matrimony between Stephen Carlisle, a white man, Citizen of the United States and Miss Josephine Blackstene, a Cherokee, the said Stephen Carlisle having complyed with all the requirements of law in such cases made and provided. Given from under my hand officially this the 4th day of April 1873.

(Signed) I. A. Scales, Clerk
District Court,
Can. District.

I Stephen P. Hicks one of the ordained ministers of the M. E. Church South and member of the Indian Mision Confirence do hearby Cirtify that the above copel caim before me April the 6th A.D.1873 in the Cherokee nation and was married. given under my hand this the above date.

(Signed) Stephen P. Hicks Pole
of Canadian Circuit.

Apr.4th, 1873.

To the District Clerk
of Canadian District

We the undersigned Citizens of the Cherokee Nation do here by Certify that we are personaly acquainted with Stephen Carlile, a white man a Citizen of the United States, and that he is of good Moral Character.

Respt --
(Signed) C. J. Hanks
J. O. McCoy,
H. Lindsey
E. J. Harland
John Cobb
I. A. Scales
Abe Woodall

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 1st day of February, 1907.

Notary Public.

E C M Cherokee 1608.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of STEPHEN N. CARLILE as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 20, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Stephen N. Carlile as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 2, 1902 and January 28, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Stephen N. Carlile, a white man, was married in accordance with Cherokee law April 6, 1873 to his wife, Josephine Carlile, nee Blackstone, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District No.240 as a native Cherokee, marked "Dead". It is further shown that from the time of said marriage until the death of said Josephine Carlile, which occurred about the year 1888, the said Stephen N. Carlile and Josephine Carlile resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Josephine Carlile the said Stephen N. Carlile remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Stephen N. Carlile is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this _____.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
1608

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1906.

Rosa Carlile,

San Pedro, California.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine the right of your deceased husband, Stephen N. Carlile, to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of his marriage and whether or not his wife, by reason of his marriage to whom he claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of his marriage to her, and whether or not he was married to her in accordance with Cherokee laws

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

Wm. O. Beall
Acting Commissioner.

JMH

DEPARTMENT OF THE INTERIOR,

LAND
7538-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 19, 1907, relative to the placing of the names of certain white intermarried citizens, who are entitled to enrollment under the decision of the United States Supreme Court in the case of Daniel Red Bird, et al. vs. the United States, on a separate roll with a separate series of numbers.

On January 19, 1907, the Office forwarded to the Department the Commissioner's report in the matter of the applications for enrollment as intermarried Cherokee citizens of Queen Watkins, et al. and John L. Bates, et al., and recommended that their applications be denied in accordance with Commissioner Bixby's decision.

The Commissioner reports that the names of 1143 applicants for enrollment as citizens by intermarriage of the Cherokee Nation appear on the approved partial roll of Cherokee citizens; and that all of these persons were embraced in the decisions forwarded to the Department on January 19, 1907, except the following 192 ap-

plicants, whose names appear on the roll opposite the numbers following their respective names:

George W. Scott	22178	Joel Kelly	22465
George W. Elliott	22181	Jane Crittenden	22501
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Solon James	22217	Samuel L. Johnson	22550
Roxie L. Freeman	22234	James M. Cloud	22551
Thomas D. Chatham	22254	Ellen E. Morris	22553
John W. Chandler	22256	Anna E. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22306	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Bean	22611
Francis M. Conner	22313	Rebecca M. Bigbey	22622
John J. Smith	22315	Solon H. Roberts	22645
Lee B. Smith	22326	Demaris Goss	22654
Louis L. Duckworth	22334	Jane Rider	22655
William Crowder	22353	John R. Allison	22665
William R. Quarles	22390	Sarah L. Price	22682
Emily L. Brown	22428	John W. Johnson	22683
John F. M. Christie	22429	John W. [illegible]ss	22685
John Scott	22433	Talitha [illegible] Adair	22692

Nancy Welch	22434	Gaines C. Smith	22716
John D. Smith	22436	Argyle Quesenbury	22723
George Bradley	22724	Rebecca Hood	23172
Emma C. Wheeler	22733	Pyrena Harris	23183
Missouri I. Ross	22773	John H. Eiffert	23190
Polly Henson	22827	Nancy H. McAllister	23191
Lizzie Lee	22846	George W. Williams	23204
James K. Pemberton	22883	John Robinson, Sr.	23206
John W. Breedlove	22946	Emeline Weaver	23241
Simeon Eldridge	22970	Ella E. Fields	23242
Florian H. Nash	22973	Adeline Ratlinggourd	23260
Stephen N. Carlile	22979	Martha Kelley	23273
Jerry H. Vestal	22995	Harvy Lindsy	23285
Solomon Bragg	23024	Daniel Harmon	23292
Thomas J. Ayers	23025	Martha Harris	23302
Nancy Cordray	23036	Clement Hayden	23344
Charles E. Willey	23038	John H. Baugh	23361
French Miller	23041	Mary A. Raper	23384
John F. Vanhoy	23042	David G. Thompson	23401
Edwin Wren	23045	Riley W. Lindsey	23414
Patrick Foley	23065	Melcenna Bibles	23443
William Winton	23076	Albert G. Gass	23514
William Jackson	23100	Cynthia A. Fields	23538
Sarah E. McDonald	23107	John C. Hogan	23543

Charles Bray	23118	George W. Williams	23615
Louisa J. Sloan	23144	Tredwell S. Remsen	23622
Daniel Young	23166	Samuel C. Glenn	23625
Matilda Sturdivant	23627	Louisa J. Trott	24057
Sarah B. Cheek	23628	John T. Scott	24064
Stacy E. Perry	23632	Martha L. Knight	24074
Addie Chouteau	23687	Margaret M. Woodall	24116
Nancy E. Rogers	23696	John T. Brackett	24122
Daniel K. Wetzel	23710	John Swain	24124
Jesse A. Thomas	23724	Thomas Howie	24148
Cabel Conner	23725	Caroline B. Fields	24170
Martha A. Miller	23733	Robert K. Nix	24195
Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trout	23781	Lucinda J. Craig	24245
Eliza F. Ward	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jincy J. England	23818	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Taylor	23879	Huff D. Coats	24309
Frank Skinner	23903	Naoma A. Sloan	24326
Lewis Moore	23907	Michal Mulcare	24329

Elzada Tayler	23912	Mary C. McGhee	24332
Edward B. Frayser	23931	Milton N. McCullough	24342
James D Hall	23932	George A. Armstrong	24348
Burges G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander M. Anderson	24399
Marion Holderman	24405	Charles M. Beavers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett G. James	24422	Alfred Foyil	24661
William H. Brown	24458	Elizabeth B. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Denbo	24741
Andrew H. Norwood	24527	Murdoch McLeod	24746
Jacob H. Bartles	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P Howell	24801
Mary E. Bible	24560	Charles H. Franks	24805
James Thornbrugh	24561	Charles H. Bacon	24810
Holland L. Parrish	24573	Greenville P. Heffhefinger	24860
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24886
James G. Mehlin	24600	John H. Baker	24918
Rufus M. Allen	24606	Marion W. Gouch	24926
Alfred M. Gott	24608	Edward Byrd	24961
Micajah H. Phillips	24626	John T. McSpadden	25003
William H. McAnally	24629	Amanda Beck	25004

The Commissioner says that all these persons are differently classified from those embraced in the decisions previously forwarded to the Department, and a separate decision will be rendered in each case.

The Supreme Court of the United States, in its decision in the Daniel Red Bird case, held that white persons who intermarried with citizens by blood of the Cherokee Nation in accordance with Cherokee law, prior to November 1, 1875, are entitled to enrollment and have equal per capita rights with Cherokee Indians by blood in the lands constituting the public domain of the Cherokee Nation, and are entitled to be enrolled for that purpose, but such intermarried whites acquired no rights and have no interest or share in any funds belonging to the Cherokee Nation except where such funds were derived by lease, sale or otherwise, from the lands of the Cherokee Nation conveyed to it by the United States by the patent of December 1838.

Under this decision, therefore, intermarried white persons entitled to enrollment as citizens of the Cherokee Nation have a different status from all other Cherokee citizens, and in order to avoid confusion and simplify the matter of the enrollment of such citizens, the Commissioner recommends that the names of all the applicants herein named be stricken from the approved partial roll of Cherokee citizens retained in the Department and in this

Office, and that he be authorized to take similar action on the copies of the roll in the possession of his office.

In the opinion of the Office this action will avoid confusion in the future, and it is recommended that this Office and the Commissioner be authorized to take the action suggested by him.

Very respectfully,

(Signed) C. F. Larrabee,

AJW-EH. Acting Commissioner.

D.C. 8779-1907. J.F Jr.

DEPARTMENT OF THE INTERIOR, I.L.B.

DIRECT. WASHINGTON.

I.T.D.2444-1907.
LRE. February 9, 1907.

SPECIAL.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 8, 1907 (Land 7538), the Indian Office transmitted your report dated January 19, 1907, in the matter of certain persons who are enrolled as citizens by intermarriage of the Cherokee Nation.

You refer to the decision of the United States Supreme Court in the case of Daniel Red Bird et al. vs. the United States (203 U. S., 76), and state that in accordance with said decision you have recommended that the names of 1,143 applicants, by reason of intermarriage, should be stricken from the partial roll of Cherokee citizens.

Your recommendation with regard to these persons was approved by the Department on January 26, 1907.

You now transmit the names of 193 persons who are entitled to certain rights in the Cherokee Nation by reason of intermarriages which took place with citizens by blood of the Cherokee Nation in accordance with Cherokee laws prior to November 1, 1875, and who by reason of said marriages are entitled to

certain rights in and arising from the lands of the Cherokee Nation.

In view of the different status of these persons you state that you intend to render a separate decision in each case.

To avoid confusion you recommend that authority be granted for striking the names of the 193 persons named from the approved partial roll of the Cherokee Nation, and that those of the persons named who may be found hereafter entitled to enrollment shall be placed upon separate schedules under a new series of numbers.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

You are advised that the Department has this day stricken the names of the following persons, which appear opposite the numbers after their names, from the approved partial roll of Cherokee citizens in its possession:

George W. Scott	22178	Joel Kelly	22465
George W. Elliott	22181	Jane Crittenden	[illegible]
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Selen James	22217	Samuel L. Johnson	22550
Rosie L. Freeman	22234	James M. Cloud	22551
		Ellen E. Morris	22553
John W. Chandler	22256	Anna B. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22562
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22304	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Bean	22611

Francis M. Cenner	22313	Rebecca M. Bigbey	22622
John F. Smith	22315	Selen H. Roberts	22645
Lee B. Smith	22324	Demaris Goss	22654
Louis L. Duckworth	22334	Jane Rider	22655
William Crowder	22353	John R. Allison	22665
William R. Quarles	22390	Sarah L. Price	22682
Emily L. Brown	22428	John W. Johnson	22683
John F. M. Christie	22429	John W. Goss	22685
John Scott	22433	Talitha J. Adair	22692
Nancy Welch	22434	Gaines C. Smith	22716
John D. Smith	22436	Argyle Quesenbury	22723
George Bradley	22724	Rebecca Reed	23172
Emma C. Wheeler	22733	Pyrena Harris	23183
Missouri I. Ross	22773	John H. Biffert	23190
Polly Hensen	22827	Nancy H. McAllister	23191
Linnie Lee	22846	George W. Williams	23204
James K. Pemberton	22883	John Robinson Sr.	23206
John W. Breedlove	22946	Emeline Weaver	23241
Simeon Eldridge	22970	Ella E. Fields	23242
Florian H. Nash	22973		
Stephen N. Carlile	22979	Martha Kelley	23273
Jerry H. Vestal	22995	Harvy Lindsy	23285
Solomon Bragg	23024	Daniel Harmon	23292
Thomas J. Ayers	23025	Martha Harris	23302
Nancy Cordray	23036	Clement Hayden	23344
Charles E. Willey	23038	John H. Baugh	23361
French Miller	23041	Mary A. Raper	23384
John F. Vanhey	23042	David G. Thompson	23401
Edwin Wren	23045	Riley W. Lindsey	23414
Patrick Foley	23065	Melcenna Bibles	23443
William Winton	23076	Albert G. Gass	23514
William Jackson	23100	Cynthia A. Fields	23538
Sarah E. McDonald	23107	John C. Hogan	23543
Charles Bray	23118	George W. Williams	23615
Louisa J. Slean	23144	Tredwell S. Ramsen	23622
Daniel Young	23166	Samuel C. Glenn	23625
Matilda Sturdivant	23627	Louisa J. Trett	24057
Sarah B. Cheek	23628	John T. Scott	24064
Stacy E. Perry	23632	Martha L. Knight	24074
Addie Cheuteau	23687	Margaret M. Woodall	24116
Nancy E. Rogers	23696	John T. Brackett	24122
Daniel K. Wetzel	23710	John Swain	24124
Jesse A. Thomas	23724	Thomas Howie	24148
Cabel Cenner (Caleb)	23725	Careline B. Fields	24170
Martha A. Miller	23733	Robert K. Nix	24195

Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trout	23781	Lucinda J. Craig	24245
Eliza F. Ward	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jincy J. England	23818	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Taylor	23879	Huff D. Coats	24309
Frank Skinner	23903	Nicoma A. Sloan	24326
Lewis Moore	23907	Michal Mulcare	24329
Elzada Taylor	23912	Mary C. McGhee	24332
Edward B. Frayser	23931	Milton H. McCullough	24342
James O. Hall	23932	George A. Armstrong	24348
Burges G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander M. Anderson	24399
Marion Holderman	24405	Charles M. Beavers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett G. James	24422	Alfred Foyil	24661
William H. Brown	24458	Elizabeth E. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Denbo	24741
Andrew H. Norwood	24527	Murdoch McLeod	24745
Jacob H. Bartles	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P. Howell	24801
Mary E. Bible	24560	Charles H. Franks	24805
James Thornbrugh	24561	Charles E. Bacon	24810
Holland L. Parrish	24573	Greenville P. Hefflefinger	24860
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24886
James G. Mahlin	24600	John H. Baker	24918
Rufus M. Allen	24606	Marion W. Couch	24926
Alfred M. Gott	24608	Edward Byrd	24961
Micajah H. Phillips	24626	John T. McSpadden	25003
William H. McAnally	24629	Amanda Beck	25004
D. H. Foulrney	24637	John P. Drake	25006

The Indian Office has been requested to take similar action upon the rolls retained by it, and you are authorized to cancel said names from the rolls in your possession.

Your attention is called to the fact that authority was granted on January 26, 1907, for the cancellation of the name of Thomas D. Chatham, opposite No. 12254, and of Adeline Ratlingsourd, opposite No. 12280, which you now again recommend for cancellation. Apparent typographical errors in the roll numbers have been corrected in three instances.

You are instructed to prepare and transmit for departmental action new schedules, with a new series of numbers, containing the names of those persons who may be found to be entitled to enrollment.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

A.J.Ma.
2-12-09.

Cherokee
1608.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting the application for the enrollment of Stephen N. Carlile, as a citizen of the Cherokee nation by intermarriage.

Respectfully,

Encl.HJ-41.
HJC.

Commissioner.

Cherokee 1608.

Muskogee, Indian Territory, February 13, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Stephen N. Carlile as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Che-Mont
1888.

Muskogee, Indian Territory, February 13, 1907.

John Carlisle,

Campbell, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 13, 1907, granting the application for the enrollment of your father as a citizen by intermarriage of the Cherokee Nation.

You will be advised when his name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.EJ-40.
HJC.

Commissioner.

Cherokee
E.W.164.

Muskogee, Indian Territory, April 16, 1907.

John Carlisle,

Campbell, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.W-4.
S.H

Commissioner.

Cher IW 185

Cher IW 185

DEPARTMENT OF THEINTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., AUGUST 20, 1900.

In the matter of the application of Reece Hilderbrand for the enrollmentofhimself, wife and children as citizens of the Cherokee Nation; said Hilderbrand being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Reece Hilderbrand.
Q What is your age? A About 50.
Q What is your post office address? A Webbers Falls.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q What district do you live in? A Canadian.
Q How longhave you lived in the Cherokee Nationcontinuously?
A All my life.
Q Whom do you apply for enrollment for? A Myself, wife and children.
Q Both your father and mother living? A No, sir, both dead.
Q Did they die before 1880? A Yes, sir.
Q What was your wife?s name? A Lydia.
Q When did you marry her? A About 27 years ago.
Q Are her father and mother non-citizens? A Yes, sir.
Q What wasyour wife's name before you married her? A Lydia Latta
Q Have you any children at home under 21 years of age? A Yes, five.
Q Give me the names of those of the oldest one at home? A Lelia; 17 years old.
On '96 roll, page 867, number 821.
Q The next one? A William; 13 years old.
On '96 roll, page 865, #822.
Q The next child? A Thomas; 10 years old.
On '96 roll, page 866, number 823.
Q The next one? A John; six years old.
On '96 roll, page 865, number 824, as Johny.
Q The next child? A Annie; five years old.
On '96 roll, page 865, ~~page~~#825.
Q Are these children alive and living with you at this time? A Yes, sir.
Applicant on '80 roll, page 24, Number 686, as R.M.Hilderbrand.
On '96 roll, page (869) 866, number 819.
Applicant's wife on '80 roll, page 24, number 679.

The name of Reece Hilderbrand appears upon the authenticated roll of 1880 as R. M. Hilderbrand, and upon the 1896 roll as Reece Hilderbrand. The name ofhis wife, Lydia, appears upon the authenticated roll of1880, and the names ofhis children, Lelia, William, Thomas, John and Annie appear upon the census roll of 1896. His wife's name is not found upon the census roll of 1896; and they having made satisfactory proof as to their residence and being duly identified on the rolls according to page and number as indicated in the testimony; said Reece Hilderbrand will be dulylisted for enrollment as a Cherokee citizen by blood, and his wife, Lydia, will be duly listed for enrollment as a Cherokee citizen by intermarriage, she having been an intermarried white before 1880, and his five children as named in the testimony being duly identified on the rolls will be duly listed for enrollment by this Commission as Cherokees by blood.

Reece Hilderbrand---2.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of September, 1906, at Muskogee, I.T.

Commissioner.

1172

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C.F.S. Cherokee 1672

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER., JANUARY 4, 1907.

In the matter of the application for the enrollment of LYDIA HILDERBRAND as a citizen by intermarriage of the Cherokee Nation.

APPLICANT Appears in person:

APPEARANCES:

CHEROKEE NATION represented by H.M.Vance, on behalf of W. W. Hastings, Attorney.

LYDIA HILDERBRAND being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

On Behalf of Commissioner:

Q. What is your name? A. Lydia Hilderbrand.
Q. What is your age? A. I will be fifty years old the 20th of March.
Q. What is your postoffice? A. Webbers Falls.
Q. You claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation? A. Yes sir.
Q. You have no Cherokee blood? A. Well, I was adopted- I was born and raised in the Cherokee Nation.
Q. But you are not a Cherokee by blood? A. No sir.
Q. The only claim you make to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Cherokee Nation, is it? A. Yes sir
Q. What is the name of the citizen through whom you claim the right to enrollment? A. That would be my man, wouldn't it?
Q. Yes m'am? A. Reece Hilderbrand.
Q. When were you married to your husband, Reece Hilderbrand?
A. We have been married thirty-three years, you can count how long it has been.
Q. Was he a recognized citizen of the Cherokee Nation at the time you married him? A. Yes sir.
Q. And was living in the Cherokee Nation, was he? A. Yes sir
Q. Were you his first wife? A. Yes sir.
Q. Was he your first husband? A. Yes sir.
Q. Since your marriage to your husband, Reece Hilderbrand, in about the year 1873, have you and he continuously lived together as husband and wife? A. Yes sir.
Q. And have lived in the Cherokee Nation all that time?
A. Yes sir.
Q. Who married you?
A. Judge Woodall.

C.F.D.

[illegible] 1907—[illegible]

Q. Did he have your consent to your marriage?
A. No sir, we eloped [illegible] in Shoe Bayou.
Q. Have there any children by your marriage? A. None but [illegible].
Q. Is he living? A. Yes sir; he was there we left home; he is not here.

The applicant, Lydia Killingsward, is [illegible] of the Cherokee Nation [illegible] of [illegible] and [illegible] Prior, [illegible] her husband, [illegible] and [illegible] included in an approved Marriage Roll as citizens by blood of the Cherokee Nation opposite No. [illegible].

The undersigned, being first duly sworn, [illegible] stenographer to the Commissioner to the Five Civilized Tribes, [illegible] she correctly recorded the testimony in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereon.

Lucy M. Brown

Subscribed and sworn to before me this 6th day of January, 1907.

John E. Tidwell
Notary Public

Cherokee 1672.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
February 11, 1907.

In the matter of the application for the enrollment of LYDIA HILDERBRAND as a citizen by intermarriage of the Cherokee Nation.

Cherokee Nation represented by
W. W. Hastings, Atty.

THOMAS WOODALL, being first duly sworn by Walter W. Chapell, a Notary Public, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name?
A Thomas Woodall.
Q Your age?
A 47 in March.
Q Your post-office address?
A Warner, Indian Territory.
Q You appear here for the purpose of giving testimony relative to the right of Lydia Hilderbrand to enrollment as a citizen by intermarriage of the Cherokee Nation.
A Yes sir.
Q Are you acquainted with the applicant, Lydia Hilderbrand, and her husband, Reece Hilderbrand?
A Yes sir.
Q How long have you known them?
A I could'nt tell you exactly.
Q Was your father a minister?
A No sir, he was a judge.
Q Do you remember when they were married?
A No sir, I saw them married, but don't remember when it was.
Q Has it been 35 years?
A Something like that.

BY W.W.HASTINGS, ATTY. FOR CHEROKEE NATION.

Q How old are you?
A 47 the 8th of March.
Q What you want to testify to today is to theeffect that you saw them married, but you are not prepared, you say, to give any date?
A It has been a long time, but I can't remember any date.

(Witness excused)

REECE HILDERBRAND, being first duly sworn by Walter W.Chapell, a Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q What is your name?
A Reece Hilderbrand.
Q Your age?
A About 56 years old.

Q What is your post-office address?
A Webbers Falls, Indian Territory.
Q Are you the husband of Lydia Hilderbrand, the applicant in this case?
A Yes sir.
Q When were you married?
A It's been about 33 years.
Q What year were you married in?
A I don't know exactly right at it.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Were you born in the Cherokee Nation?
A Yes sir.
Q Never lived out of the Cherokee Nation?
A No sir.
Q Were you ever married before your marriage to Lydia Hilderbrand?
A No sir.
Q Was she ever married before?
A No sir.
Q You are her first husband and she is your first wife?
A Yessir.
Q Have you ever been separated?
A No sir.

BY W. W. HASTINGS, ATTY. FOR CHEROKEE NATION:

Q You were married about 33 years ago?
A Just about.
Q How old is your oldest child?
A I don't really know, about 30 years old.
Q What is the name of your oldest child by this wife?
A Mary Hilderbrand.
Q Is she married?
A Walters is her married name, Mary Walters.

1880 Roll examined, Canadian District, Page 24, said applicant Lydia Hilderbrand is identified opposite No.679, and Mary E. Hilderbrand, her daughter is enrolled opposite No.680 as a native Cherokee four years old.

(Witness excused)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Virgie Cobrly
Stenographer.

Subscribed and sworn to before me this 12th day of February, 1907.

Carrie M. Chappell
Notary Public.

CERTIFIED COPY.

United States of America,
Indian Territory, } ss
Western District

BE IT KNOWN, That, on this 23rd. day of January, 1907, personally appeared before me, a Notary Public, within and for the Western District of the Indian Territory, Thomas F. Woodall, who, being sworn, said: That he has known Reece Hilderbrand and Lydia Hilderbrand, his wife, for about thirty-five years; that he was present and witnessed the marriage of Reece Hilderbrand to Lydia Latty about thirty three years ago; that he knows the present wife of Reece Hilderbrand, who is called Lydia Hilderbrand, to be the same identical person who was married to Reece Hilderbrand at the above mentioned ceremony; and that they have lived together continuously since said ceremony.

(Signed) H. C. Wynne,
Notary Public.

My commission expires Sept.27. 09.

(SEAL)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 13th day of February, 1907.

Notary Public.

E C M

Cherokee 1672.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of LYDIA HILDERBRAND as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 20, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Lydia Hilderbrand as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 11, 1902, October 20, 1902, Tahlequah, Indian Territory, November 25, 1904 and at Muskogee, Indian Territory January 4, 1907 and February 11, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Lydia Hilderbrand, a white woman was merried in 1873 to one Reece Hilderbrand, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District No.686, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.4458. It is further shown that from the time of said marriage the said Reece Hilderbrand and Lydia Hilderbrand resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Lydia Hilderbrand is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 15 1907.

Cherokee 1672

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting the application for the enrollment of Lydia Hilderbrand as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-2
JMH

Commissioner.

Cherokee 1672

Muskogee, Indian Territory, February 15, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Lydia Hilderbrand as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 1672

Muskogee, Indian Territory, February 16, 1907.

Hylda Hildebrand,

Webbers Falls, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 16, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.K-3
JMH

Cher IW 186

Cher IW 186

1

E.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

FRENCH MILLER

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.17[illegible].

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 21st, 1900.

IN THE MATTER OF THE APPLICATION OF French Miller, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A French Miller.
Q What is your age? A Fifty two .
Q What is your Postoffice? A Ft. Gibson.
Q Are you a recognizedx citizen of the Cherokee Nation? A No sir; as an adopted citizen/
Q What district do you live in? A Illinois/
Q How long have you lived in Illinois? A Since 1870.
Q Whom do you apply for for enrollment? A For myself.
Q For any one else? A My wife.
Q Have you any children? A I got some children, but they are not mine; I have one, but two are not mine.
Q Do you want to enroll any one desides yourself and wife?
A Yes sir; two children.
Q Are your father and mother living? A No sir.
Q They were non citizens? A Yes sir.
Q What is the name of your wife? A Cora Miller.
Q Her maiden name was? A Runyan.
Q What is her age? A Twenty six years old.
Q Is she white or Indian? A Indian by blood.
Q What is her father's name? A Ross Runyan.
Q Is he living? A No sir.
Q When did he die; about what year? A About 1894 I believe.
Q Was he a Cherokee citizen by blood? A Yes sir.
Q What is he name of your wife 's mother? A I do not know.
Q She died before 1880? A Yes sir.
Q What are the names of your children? A Chute Miller.
Q How old is Chute? A About four years old.
Q What is the name of the next one? A. Charlie Miller.
Q How old? A Born on Decoration day; will be three months old.
Q Have you any marriage certificate? A Yes sir.
Q Have you been married before? A Yes sir.
Q Is your first wife living? A No sir; she is dead.
Q Did you live with her until she died? A Yes sir.
(Applicant 's wife identified on the roll of 1880, Page 572, #1513, as Cora Runyan, Illinois District)
(On the roll of 1896, Page 898, #1644, Cora Runyan, Illinois)
(Applicant identified on the roll of 1880, Page 552, #1092, French Miller, Illinois District)
(On the roll of 1896, Page 932, #139, French Miller, Illinois)
(1896 Roll, Page 844, #300, Jack Blythe, Illinois District)
Q What is the name of Jack Blythe's mother? A Cora Runyan.
Q Was she ever married to Blythe ? A I can not say.
Q Are you sure that Jack Blythe is Cora Runyan's son? A Yes sir.
Q Is he living with you? A Yes sir.
Q Chute and Charley are both living, with you? AA Yes sir.
Q Have you any proof of their birth? A Yes sir.

The name of French Miller appears on the authenticated roll of 1880, and the census roll of 1896, and the name of his wife, Cora Runyan appears on the authenticated roll of 1880, and the census roll of 1896, as Cora Runyan, her maiden name, she having been married to said French Miller according to the Certificate he presents, on the 11th day of August, 1895. The name of Jack Blythe, the child of the said Cora Runyan, appears on the census roll of 1896. And the said French Miller will be duly listed for enrollment by this Commission as a citizen by intermarriage. His wife, Cora French, and her son, Jack Blythe will be listed for enrollment as citizens by blood,

And his sons, Charles and Chute Miller, whose names do not appear on any pf the rolls of the Cherokee Nation, they having been born since said rolls were compiled, will be listed for enrollment by this Commission as citizens by blood, when proper certificates of birth are furnished the Commission.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the foregoing testimony and proceedings, and that the foregoing is a true, full and correct transcript of his stenographic notes in said case.

R R Cravens

Sworn to and subscribed before
me this 28th day of August, 1900.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR 142
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 28 1900
a
ACTING CHAIRMAN.

Cherokee 1743.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 14, 1902.

In the matter of the application of French Miller for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cora, and children, Shute, Charles and stepchild, Jack Blythe, as citizens by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A French Miller.
Q How old are you? A [illegible] sir.
Q What is your postoffice? A Fort Gibson.
Q Are you a white man? A Yes sir.
Q Your name appears on the roll of 1880 does it? A Yes sir.
Q What is your wife's name? A Katie [illegible].
Q Was she your wife in 1880? A Yes sir.
Q When did she die? A In '91.
Q Did you live with your wife, Katie, from 1880 to 1891? A Yes sir.
Q Never was separated? A No sir.
Q Always lived in the Cherokee Nation? A Yes sir.
Q Have you married again? A Yes sir.
Q What is your present wife's name? A Cora Runyan.
Q She a Cherokee by blood? A Yes sir.
Q When did you marry Cora? A In '94 or '95.
Q Been living with her ever since you married her? A Yes sir.
Q Have you made your home in the Cherokee Nation from 1880 up to this time? A Yes sir.
Q How many children have you? A Four; one of them is not on the roll; it is just coming. It has already come, I only have three on the roll.
Q You applied for three children? A Yes sir.
Q They are living at home with you? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. G. Rothenberger

Subscribed and sworn to before me this 10th day of November, 1902.

B. O. Jones
Notary Public.

F.R. Cherokee 1742.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 2, 1907.

In the matter of the application for the enrollment of French Miller as a citizen by intermarriage of the Cherokee Nation.

Appearances:
For the Cherokee Nation. H. M. Vance.
For the applicant: Major Waldron of the firm of
Waldron & Cramer,
Muskogee, Indian Territory.

Cora Miller, being first duly sworn, testified as follows: Sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory.

By the Commissioner:
Q What is your name? A Cora Miller.
Q What is your age? A Thirty-three years.
Q And your pos toffice address? A Fort Gibson, I. T.
Q You appear here for the purpose of giving testimony relative to the right of French Miller as a citizen of the Cherokee nation by intermarriage? A Yes sir.
Q What relation is French Miller to you? A My husband.
Q When were you married to French Miller? A In 1895, August.
Q Had French Miller been married before he married you?
A Yes sir.
Q How many times? A Once that I know of.
Q What was the name of that wife? A Kate Vann.
Q French Miller was a white man, not possessed of any Indian blood? A Yes, he was a white man.
Q His first wife, Katie Van, was she a recognized citizen by blood of the Cherokee Nation at the time of their marriage?
A Yes sir.
Q What is your understanding as to the time of the marriage of French Miller and Kate Vann?
A All I know is from hearing the neighbors say when they were married.
Q Qhat is your understanding? What have you heard to be the date? A 1872.
Q Do you know in what district they were married?
A No, I do not.
Q Kate Vann is dead, is she? A Yes sir.
Q Do you know when she died? A No, I don't; I don't know what year she died.
Q It is your understanding that she was dead at the time you married Mr. Miller? A Yes sir.
Q Is it your understanding that French Miller and Kate Vann resided together as husband and wife from the time of their marriage until she died? A Yes sir.
Q And that they lived in the Cherokee Nation during all that time? A Yes sir.
Q Mr. Miller continued to reside in the Cherokee Nation until his marriage to you? A Yes sir.
Q And since his marriage to you you have lived together as

husband and wife? A Yes sir.
Q And have lived continuously in the Cherokee Nation, and were so living on September 2, 1902? A Yes sir.
Q At the time of your marriage to French Miller you were a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Have you any documentary evidence showing that marriage of French Miesler and Kate Vann? A I don't know whether I have.
Q You have no papers or certificates? A No, no certificate. There was a paper; it was a pension paper filled out with the name of his first wife and the death of his children.
Q You don't know the name of Kate Vann's father do you? A No.
Q You don't remember who was present at the marriage--you don't know who was present at the marriage of French Miller and Kate Vann, do you? A No sir.
Q Were there any children born to Mr. Mills and Kate Vann?
A Yes sir.
Q What is the name of the eldest one? A Oscar Miller.
Q Is he living at this time? A No sir.
Q When did he die? A I don't know what year he died in.
Q You don't know what year he was born? A No, I don't.
Q What is the next child's name? A Leslie or Ida. I guess Ida Miller was the second child--yes, I know she was.
Q Have you any witnesses who would know anything about the marriage of Miller and Kate Vann? A I know of several that o ought to know.
Q What are their names, some of them?
A Mr. Henry Eiffert.

Witness excused.

Henry Eiffert, being duly sworn by Frances R. Lane, testified as follows:
Q What is your name? A Henry Eiffert.
Q How old are you? A Fifty-seven years.
Q Your postoffice address? A Fort Gibson, I. T.
Q Did you ever know one French Miller in the Cherokee Nation? A Yes sir.
Q When did you first know him? A Got acquainted with him along in 1868.
Q Was he a married man at the time you first knew him?
A No, he belonged to the army.
Q Did you know one Kate Vann in the Cherokee Nation?
A Yesm she had two names, but I think she went by the name of Kate Vann; she was a full blood Cherokee woman. Her father's name was Rope Campbell.
Q When did you first know her? A I got acquainted with her along in 1868.
Q Were French Miller and Kate Vann ever married? A Yes sir.
Q Were you present at their marriage? A I can't say positively whether I was or not, but it seems to me I was. I knew of the marriage taking place. I was in the town when they were married. I don't know for sure whether I was there or not.
Q What is your understanding as to the date of the marriage?
A I think along in 1873 or '74, as near as I can remember.
Q Where did it take place? A Fort Gibson.
Q Was it your understanding that marriage was under a license of the Cherokee Nation? A Yes sir.
Q Were you one of the signers to Mr. Miller's petition?

A I don't remeber; it is the first time the question has been asked me; it is so long ago; probably might have been.
Q What is your understanding as to the person who performed the marriage ceremony?. A My recollection is it was a preacher by the name of Rev. Willey. I can't recall his given name. He has a son living at Fort Gibson now; Charley Willey.
Q How do you remember the date of their marriage as being about the year 1872?
A Well he was married either just before I was or right afterwards is why I remember the circumstance.
Q And you were married when? A I was married in 1872.
Q You don't think you could be mistaken as much as 2 or 3 years as to the date of his marriage? A No, it seems to me that he was married before I was.
Q They resided together as husband and wife and held themselves out a s such in that country, and were so regarded in that neighborhood? A Yes, Miller lived with her until she died, and all his children died with consumption--the whole family. He never left them.
Q When did Kate Vann die? A I don't remember that.
Q About what year? A I wasn't living in Fort Gibson at the time. I was living in Vinita. I heard about the death of Mrs. Miller.
Q French Miller was married again, was he? A Yes sir.
Q What was the name of his second wife? A Cora Runyan. She had been married previous to a man named Creekmore.
Q At the time she married French Miller she was a citizen by blood of the Cherokee Nation? A Yes.
Q Is it your understanding that Mrs. Miller or Kate Vann was dead at the time French Miller married Mrs. Runyan?
A Yes sir.
Q And that French Miller and his wife here, Mrs. Miller, resided together as husband and wife and continuously lived in the Cherokee nation until September 1, 1902? A Mr. Miller died in 1896.
Q Well, up until his death? A With this exception. He got so sick that they sent him to a soldier's home in Ft. Leavenworth, Kansas, and he died while there.
Q How long was he in Kansas prior to his death? A I don't know; he made two trips and the second time he was took sick under medical treatment and died.
Q Is it your understanding that he maintained his home in the Cherokee nation? A Yes, he was temporarily out for his health. He left everything; I don't think Mr. Miller was ever out of the country until he went out to die.
Q What is the date of his death? A I think in January, 1906.
Q You said awhile ago you thought it was in 1896? You meant 1906 did you not? (referring to death affidavit)
A Yes sir.
Q You don't know do you, who was present at that marriage of Kate Vann at Fort Gibson in 1872? A No, only just by remembering people who lived there at that time. I don't know of my own knowledge anyone being present.
Q But you have every reason to believe that they were law-

fully married in accordance with the laws of the Cherokee Nation--that is, under license of the Cherokee Nation?
A Yes, I am qualified to say that they were lawfully married under the laws of the Cherokee nation. I never heard anything to the contrary, and judging from the way that the marriage took place, in those days they would have to have a regular marriage license before a marriage could be performed Before a man would perform the marriage ceremony.
Q I will ask you if French Miller and Kate Vann had any children? A They had three I remember.
Q What is the name of the eldest child? A Oscar, Leslie and Ida were the names, but I don't know which was the eldest child.
Q Did they ever have a child named Susie? A I don't remember.
Witness excused.

Oscar Miller is identified on the Cherokee authenticated tribal roll of 1880, Illinois District, page 552, opposite No. 1094, as a native Cherokee. The age of Oscar Miller is given thereon as seven years.

French Miller is identified on the Cherokee authenticated tribal roll of 1880, Illinois District, opposite No. 1092, and on the Cherokee census roll of 1896, Illinois District, page 932, opposite No. 139, as an intermarried citizen of the Cherokee nation.

Cora Miller, the second wife of French Miller, is identified on the Cherokee authenticated roll of 1880, Illinois District, opposite No. 1513 as Cora Runyan, and on the Cherokee census roll of 1896, Illinois District page 898, No. 1644, as Cora Runyan.
She is also included in the approved partial roll of citizens of the Cherokee Nation opposite No. 4619.

Frances R. Lane, upon oath states that as stenogtapher to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this February 4, 1907.

Estella W. Clappell

Notary Public.

G.H.L. Cherokee 1742.

In

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. February 5, 1907.

Appearances:
For the Cherokee Nation: W. W. Hastings.
For the applicant, Major Waldron of the firm of
Waldron & Cramer,
Muskogee, Indian Territory.

William Hudson being first duly sworn by C. E. Webster, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A William Hudson.
Q What is your age? A Sixty years.
Q What is your postoffice address? A Fort Gibson, I. T.
Q Were you ever acquainted with a white man by the name of French Miller? A I was.
Q When did you first become acquainted with him? A In '70 I believe. As near as I can recollect in 1870.
Q Do you know whether he was ever married to a Cherokee by blood?
Q Yes, he was married to a Cherokee by the name of Kate Vann.
Q Do you know when he and Kate Vann were married? A Married in 1872 as near as I can recollect.
Q Were you present at that marriage? A I was not present at the marriage but we was living right close together and I see them when they was going to the wedding. You know white folks don't ask--- (Witness is a freedman).
Q Was it your understanding that they were married in accordance with Cherokee laws? A Yes, they was living together as man and wife right by me all the time.
Q How long did they live together as man and wife? A About 25 or 30 years I reckon, as near as I can recollect. We lived right there together.
Q Did they ever separate or did Kate Vann die? A Kate died. They had three children and they all died. Kate and the two boys and a girl.
Q Did this fellow French Miller remarry after the death of his wife, Kate? A Yes, he married Cora Runyan;- they called her Cora Runyan all the time.
Q Was his second wife, Cora Runyan, a Cherokee by blood?
A Yes sir.
Q Was Kate Vann a recognized Cherokee at the time of her marriage to French Miller? A Yes sir.
Q They were considered as man and wife in the community where they lived? A Yes sir.
Q In what district were they married? A In Illinois District.
Q Do you know the name of the children of French Miller and Kate Vann? A Yes sir.
Q What is the name of the oldest? A The oldest one is Oscar.
Q What is the name of the next? A Ida.
Q And the next one? A Leslie.
Q That was all the children they had? A That was all they had

Q. About how long after that marriage before Oscar was born? A. Well, I don't remember exactly. I never kept no track of it; they [illegible] me [illegible]. I reckon I was very young, long. Q. Oscar was born [illegible] after marriage? A. Yes, I think he was as well as I can remember. They lived right there adjoining me. The place I am living on now I bought from him.

Frances E. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances E. Lane.

Subscribed and sworn to before me this February 5, 1907.

Walter W. Chappell

Notary Public.

E C M

Cherokee 1742.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of FRENCH MILLER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 21,1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of French Miller as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 14, 1902 and February 2, 1907 and February 5,1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, French Miller, a white man, was married in accordance with Cherokee law about the year 1872 to his wife, Katie Miller, nee Vann, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Illinois District No.1093, as a native Cherokee marked "Dead"; that from the time of said marriage until the death of said Katie Miller, which occurred prior to 1895, the said French Miller and Katie Miller resided together as husband and wife and continuously lived in the Cherokee Nation. It is further shown that in 1895 said French Miller was married to one Cora Miller, nee Runyan, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Illinois District No.1513, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.4619; that from the time of said marriage the said French Miller and Cora Miller resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, French Miller, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 11 1907.

Cherokee 1742

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of Francis Miller as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-22
JMM

Commissioner.

Cherokee 1742

Muskogee, Indian Territory, February 14, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling French Miller as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attprney for Cherokee Nation.

Cherokee 1744

Muskogee, Indian Territory, February 14, 1907.

Frank Miller,

Fort Gibson, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.N-23
JMK

Commissioner.

Cher IW 187

Cher IW 187

T.W.L. Cherokee 2209

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Martha Kelley, formerly Crittenden, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 29,1900, application was received by the Commission to the Five Civilized Tribes, for the enrollment of Martha Kelley, formerly Crittenden, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 25, 1902, December 8, 1902 and January 8,1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Martha Kelley, formerly Crittenden, a white woman, was married under the laws of the State of Texas in the year 1869,to one James Crittenden, since deceased, an alleged Cherokee; that the said James Crittenden and Martha Crittenden removed to the Indian Territory from the State of Texas in the year 1873,or 1874, and the said James Crittenden was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof, November 27,1874; that the said James Crittenden is identified upon the Cherokee authenticated tribal roll of 1880,Canadian District, Page 10, No. 282, as an adopted Cherokee; that from the time of said admission, the said James Crittenden and Martha Crittenden resided together as husband and wife and continuously lived in the Cherokee Nation until his death, which occurred about the year 1885; that subsequent to the death of the said James Crittenden, the said Martha Crittenden on June 10,1889, was marriedto one John D. Kelley, who at the time of said marriage was a recognized citizen by blood of the Cherokee Nation and who is identified upon the Cherokee authenticated tribal roll of 1880, Going Snake District, Page 448, No. 1023, as a native Cherokee; that since the time of said marriage, the said John D. and Martha Kelley have resided together as husband and wife and have continuously lived in the Cherokee Nation; said applicant is identified upon the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States,dated November 5,1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128,the said applicant,Martha Kelley is entitled under the provisions of Section 21 of the Act of Congress approved June 28,1898 (30 Stats.,495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Dated at Muskogee, Indian Territory, Commissioner

this FEB 1 1907

Cherokee 2209

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting the application for the enrollment of Martha Kelley as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SML Encl. 1

Commissioner.

Cherokee No. 2209.

Muskogee, Indian Territory, February 15,1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

Receipt is acknoweldged of the testimony and decision, enrolling Martha Kelley as a citizen by intermarriage of the Cherokee Nation. Time for protesting is waived and I consent that said person be placed on a schedule immediately.

Respectfully,

W. W. Hastings
atty for Cherokee Nation

Cherokee 1209

Muskogee, Indian Territory, February 15, 1907.

Martha Kelley,

Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

HML.Enc.1

Commissioner.

Cher IW 188

Cher IW 188

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

PETER McKLMEEL

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.7057.

7057

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 19 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 15th, 1901.

In the matter of the application of Peter McElmeel for the enrollment of himself, wife and adopted child as citizens of the Cherokee Nation; said McElmeel being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Peter McElmeel.
Q How old are you? A About 50.
Q What is your post office? A Muskogee.
Q In what district do you live? A Canadian.
Q You live in Canadian but get your mail at Muskogee? A Yes, sir.
Q Who is it you want to have enrolled? A Myself and wife and one adopted child.
Q Are you a Cherokee by blood? A No, sir.
Q You are a white man? (No response.)
Q What is your wife, Cherokee by blood? A Yes, sir.
Q When were you married to your wife? (Hands paper to COM'R.)
Com'r:--The applicant presents an official copy of the records of Illinois district showing that he was united in marriage on the 16th of March, 1874, in accordance with Cherokee law, to Elizabeth Spaniard. This is filed herewith.
Q Is your wife, Elizabeth Spaniard still living? A Yes, sir.
Q This is your present wife? A Yes, sir.
Q Have you and she lived in the Cherokee Nation ever si nce you were married in 1874? A Pretty near, part of the time we lived here in Muskogee; I was railroading when we lived here in Town.
Q How long did you live here? A I come here with this railroad when it came in.
Q How long did you stay with it? A Eight or ten years.
Q How long since you lived here and went back to Canadian district? A About 17 years.
Q You had had a job here on the railroad? A Yes, sir; I worked in the roundhouse and afterwards was car inspector.
Q Did you continue to keep your interest in the Cherokee Nation? A Yes, sir, soon after I married I got stock and took there.
Q Did you go back there and vote? A Yes, sir.
Q You did not vote in the Tribal elections here? A No, sir.
Q Was your wife born in the Cherokee Nation? A I think from the best, from what I heard, she was born on her way to this country.
Q Has she lived in the Cherokee Nation ever since you and she were married except this time you speak of? A Yes, sir, she was raised at Fort Gibson.
Q She has lived in the Cherokee Nation except the time you were here A Yes, sir.
Q You and she have lived together all the time? A Yes, sir.
Q How old is your wife? A She is about 60 years old I guess.
Q Give me the name of her father? A Her father he was a Field.
Q You did not know his full name? A No, sir.
Q You say yur wife was born wheil she was coming to this country, where was she coming from? A The old country, Georgia.
Q Her father is dead? A Yes, sir.
Q And her mother, she is dead too? A They both died when she was small and that's how she got her Spaniard name; her grandmother raised her.
Q Now, this adopted child, what is its name? A I call it Elizabeth McElmeel now, I give it my name.
Q How old is the child? A 11 years old.
Q What is the name of the father of this child? A William Martin.
Q White man or Cherokee? A Cherokee.
Q Is he dead? A No, sir, he is in Texas.
Q What is the name of the mother of this child? A Emma, she was a white woman.
Q Is she dead? A She is dead.

Q When did she die, how long? A It has been seven or eight years ago, I am not positive.
Q Now, William Martin, was he born in the Cherokee Nation? A Yes, sir; his proper name I guess you might find it on the roll as Buzzard Flopper.
Q When did William Martin go to Texas? A Last Spring was a year.
Q Was he born in the Cherokee Nation? A As I always understood it he was.
Q Did he live in the Cherokee Nation all his life until last Spring a year ago? A yes, sir.
Q Was he ever married except to this woman, Emma? A Not previous, h e has been since.
Q Was she ever married except to him? A We did not think so, she is quite a young woman.
Q How old is William Martin now? A He should be something over 30 years of age.
Q What proof have you got of their marriage? A They lived together; if Judge Lowery was her he could prove it, he married them.
Q Where were they married? A At Judge Lawery's place.
Q What knowledge have you of the marriage between Martin and his wife, Emma? A Well, after they married they lived together.
Q You knew that? A Yes, sir, for after I raised him and they got married while he was working for me.
Q They go t married while he was living at your place? A Yes, sir.
Q Did you see them married? A No, sir.
Q You understood that they were married by Judge Lowery? A Yes, sir.
Q Where were they married, here at Muskogee? A No, sir, at Goose Neck at his house.
Applicant:--I don't think you will find me on the 1880 roll, I was living here at Muskogee.
Q Why did not you have yourself put on that roll? A My wife started out to be enrolled there andgot out to Bennet and told all the Cherokes that lived here in Town to go there, and when they got there they had left.
Q Who was his father(William Martin's)? A Martin Buzzard Flopper.
1880 Roll; page 7, #185, Willie Buzzard Flopper, Canadian.
1896 Roll; page 90, #179, Peter McElmeel, Canadian.
1896 Roll; page 48, #1321, Elizabeth McElmeel, Canadian.
Q Is his (William Martin's) name William H? A Yes, sir.
1896 Roll; page 54, #1475, William H. Martin, Canadian.
1896 Roll; page 54, #1476, Elizabeth Martin, Canadian.
Q Now, this child is living now is she? A Yes, sir.
Q How did you acquire this child, did her father give her to you? A yes, sir, that is what these papers are. (Hands papers to COM'R)
Q Has your wife any brothers or sisters? A Not living she is the last one of the family.
Q She has had brothers and sisters? A Yes, sir.
Q How many brothers? A I can't tell you.
Q Do you remember any brothers or sisters? A Yes, sir, a sister and brother, Johnson Fields.
Q Was Johnson Fields her full brother? A No, sir, I think he was only a half.
Q Was he a brother on the mother's side of Father's side? A On her father's side.
Q She had no full brother or sister since you have been married? A No, sir.
Q Do you know whether her mother was a white woman or Cherokee? A Her mother was a Cherokee, or at least that is what I understood.
Q Was Johnson Fields older or younger than your wife? A Older.
Q Did he die here in the Cherokee Nation? A He died near Tahlequah

1880 Roll; page 759, #719, Johnson Fields, Tahlequah.
Q You don't remember the name of your wife's father? A No. He was generally called Spaniard; he died before the roll of 1880 was made, he died when my wife was very young.
Q He come here? A Yes, sir, he lived down here on Spaniard Creek that is where the creek gets its name.
Q Was your wife's father a Cherokee or white man? A He was a Cherokee; old Dick Fielfs that used to represent the Cherokees in Washington up to the war and in fact he died in Washington, he was my wife's uncle.
Q A brother of her father? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and one adopted child: He is shown to have married his wife in accordance with Cherokee law in 1874, he being a white man and she a Cherokee by blood. They have lived together ever since their marriage. Part of the time they have lived at Muskogee in the Creek Nation, but not under ciscumstances and conditions that are considered to in any way invalidate their claim to Cherokee citizenship. They are identified as husband and wife on the roll of 1896. They are not identified on the roll of 1880 but the testimony discloses that this was due to neglect and not to their right to be on their roll. Her half brother is identified on the roll of 1880 under conditions set forth in the testimony, which further show the right of the applicant's wife to have been upon that roll if her name had been presented at the time. The applicant was at that immediate time engaged on a railroad job at the town of Muskogee. They will both be listed for enrollment, the wife as a Cherokee by blood and the applicant as a Cherokee by intermarriage.

The adopted child, Elizabeth McElmeel, is duly identified on the roll of 1896. This child's father is identified on the roll of 1880. He is now living in the State of Texas. Her mother was a white woman, but it appears conclusive from the testimony of the applicant and also from the documents which have been examed which are recorded in the United States Court conveying this child to the applicant, and that the marriage between the child's father and mother was a lawful marriage. This child is now living and will be listed for enrollment as a Cherokee by blood.

---oooOOOooo---

J. O. Losson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Losson

Subscribed and sworn to before me this 17th day of January, 1901.

C. R. Breckinridge

Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 15th day of October 1908.

Notary Public.

2957

Cherokee 7057.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 26, 1902.

In the matter of the application of Peter McElmeel for the enrollment of himself as an intermarried citizen, and for the enrollment of his wife, Elizabeth, and adopted daughter Elizabeth McElmeel, as citizens of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Peter McElmeel.
Q What is your age? A I am about 67 or 68 somewhere along there. I was twenty-six when I went in the army during the war.
Q What is your postoffice address? A Muskogee.
Q Are you the identical Peter McElmeel that applied for enrollment to this Commission for yourself and your wife, Elizabeth, and an adopted daughter Elizabeth, on January 15, 1901? A I am.
Q What is your wife's name? A Elizabeth.
Q Were you ever married previous to your marriage to her? A No sir.
Q Was she ever married before? A Yes sir.
Q Was her husband dead when she married you? A Yes sir, he died during the war; he went in the war and she never heard from him anymore.
Q When did your wife and you marry? A In '74.
Q Where? A In the Cherokee Nation.
Q Have you and she lived together in the Cherokee Nation ever since your marriage? A Pretty much, yes.
Q Have you ever lived out of the Indian Territory since your marriage? A No sir, never lived out of the Indian Territory.
Q Your wife is a Cherokee by blood is she? AYes sir.
Q Were you married under a Cherokee license? A I was.
Q You filed those with the Commission have you? A Yes sir.
Q Your wife and you have never separated or lived apart since you were married? A No sir.
Q You were living together on the first day of September, 1902? A Yes sir.
Q You have never married any other woman since your marriage to her? A No sir.
Q Is this wife and your stepdaughter, Elizabeth, living at this time? A Yes sir, I live five miles from here on Goodys Creek.
Q In the Cherokee Nation? A Yes sir.
Q Whose child is this? A This child is a daughter of an adopted son. I will show you the paper.
Q What was the name of the father of this child? A His Indian name was Buzzard Hopper; when I had him he was a McElmeel; when he left me he took the name of William Martin.
Q Was he a Cherokee citizen by blood? A Yes, he was a fullblood.
Q Is this child, Elizabeth, his child? A His child by his wife Emma; she was a white woman.
Q Was he ever married to the mother of this child? A Yes sir.
Q How do you know? A I know from the fact that the man who married them said they were. Judge Lowrey married them; I wasn't present; they lived together up until her death.
Q They lived together as husband and wife? A Yes sir, and had three children previous to her death. This child we have is the oldest, is the first child.
Q Did William Martin always recognize this as his child during his lifetim? A Yessir.

D-Peter Kollmel et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to [illegible] the testimony [illegible] is a true and correct transcript of the stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 15th day of [illegible] 1909.

B O James
Notary Public.

Cherokee 7057

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., OCT. 13, 1902.

In the matter of the application for the enrollment of Peter McElmeel et al. as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the 1886 pay roll of the Cherokee Nation shows that Elizabeth McElmeel is identified on that roll, at page 56, #1118, Canadian District, as Betsie McElmeel.

An examination of the 1890 census roll of the Cherokee Nation shows that Peter McElmeel is identified on that roll at page 67, #1388, and that Elizabeth McElmeel is identified on that roll at page 67, #1389, Canadian District.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

Commissioner.

C O P Y .

Clerks Office Dist.Court.)

Illinois District C. N.)

To any regular minister of any regular evangelical denomination or Judge of a Cherokee Court, to whom these may come greeting:

The bearer McElmeal Peter, a citizen of the United States,having obtained such recommendation as is required by law, regulating intermarriage with white men and has presented the same to this office with an application for a license for marriage which is hereby granted.- You are therefore authorized to solemnize the rites of matrimony between the said Peter McElmeal and Elizabeth Spaniard a Cherokee and citizen,according to the form and serimony usual and practised in your church or office and to attach a certificate of said marriage hereto and to return the same by bearer to this office for record.

Given from under my hand in office this 16th day of March 1874.

(Signed) Geo. O. Sanders, Clerk,
Illinois Dist.Court, C.N.

Oath administered this the 16th March 1874.

(Signed) Geo. O. Sanders, Clerk,
Illinois Dist. C. N.

To whom it may concern.

I hereby certify that I have this day solemnized the marriage of Peter McElmeal and Elizabeth Spaniard under a license from the clerk of the District Clerk of Illinois Dist.Cherokee Nation.

This 16th day of March 1874 Signed, Saml M. Taylor,
Judge C. Court, C.N.

I certify the above to be a true copy of the original.
(Signed) Geo.O.Sander,Clk, I.D.Court.

Executive Office Cherokee Nation.
Tahlequah I. T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Illinois District Cherokee Nation, now filed in this office by law and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 16th day of November 1900.

(Signed) B. W. Alberty
Assistant Executive Secretary,
Cherokee Nation.

This certifies that the undersigned, being duly sworn, sates that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full true and correct copy of the original instrument now on file in this office.

_____

Subscribed and sworn to before me this 24th day of January, 1907.

Chas E Webster
Notary Public

E C M

Cherokee 7057.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of PETER McELMEEL as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on January 15th, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Peter McElmeel as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 26th, 1902 and October 13th, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Peter McElmeel, a white man, was married in accordance with Cherokee law March 16th, 1874 to his wife, Elizabeth McElmeel, nee Fields, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the 1886 Pay Roll of the Cherokee Nation at Page 56, No.1118, Canadian District as Betsy McElmeel, and whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation opposite No.16847. It is further shown that from the time of said marriage the said Peter McElmeel and Elizabeth McElmeel resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1st, 1902. Said applicant is identified on the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906 in the cases of Daniel Red Bird, et al. Vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Peter McElmeel is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 13 1907.

Cherokee
7057.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting the application for the enrollment of Peter McElmeel, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-38.
HJC.

Commissioner.

Cherokee 7057.

Muskogee, Indian Territory, February 13, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Peter McElmeel as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee
7057.

Muskogee, Indian Territory, February 13, 1907.

Peter McKinnel,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Cherokee Nation.

Respectfully,

Encl.HJ-47.
HJG

Commissioner.

Cher IW 189

Cher IW 189

E.C.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

CHARLES W. KOLPIN

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.5871.

[illegible] DEPARTMENT OF THE INTERIOR
[illegible] TO THE FIVE CIVILIZED TRIBES,
[illegible], I.T., NOVEMBER 30th, 1900.

[illegible] application of Charles Kolpin for [illegible] and children as citizens of the Choctaw [illegible] and examined by Commissioner Ward.

[illegible] Charles Kolpin.
[illegible] old are you, Mr. Kolpin? A 55 years old.
[illegible] your post office address? A Tahlequah.
[illegible] do you live in? A Tahlequah.
[illegible] a recognized citizen of the Choctaw Nation? A By adop-

[illegible] you went to enroll? A My wife and children.
[illegible] you don't know? A Yes, sir.
[illegible] name of your wife? A Eliza Kolpin.
[illegible] old is she? A 42 years old.
[illegible] married her? A 1861.
[illegible] of your children? A Leon Kolpin.
[illegible] A 26 years old.
[illegible] Kolpin? A Augusta.
[illegible] A Twelve years old.
[illegible] that is all.

1900 Roll, page 176, #1290, Chas. W. Kolpin, Tahlequah.
1900 Roll, page 176, #1291, Eliza Kolpin, Tahlequah.
1900 Roll, page 1285, #165, Charles W. Kolpin, Tahlequah.
1900 Roll, page 1285, #167, Eliza Kolpin, Tahlequah.
1900 Roll, page 1285, #168, Leon Kolpin, Tahlequah.

[illegible] you have lived in the Cherokee Nation since you married?
A [illegible]
[illegible] your wife alive? A Yes, sir.
[illegible] husband? A Yes, sir.
[illegible] with her now? A Yes, sir.
Are these children both alive and living with you now? A Yes,

[illegible] name of Charles Kolpin appears upon the
[illegible] roll as Charles W. Kolpin as well as upon the

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 30th, 1900.

In the matter of the application of Charles Kolpin for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Kolpin being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charles Kolpin.
Q How old are you, Mr. Kolpin? A 55 years old.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A By adoption.
Q Whom do you want to enroll? A My wife and children.
Q Yourself too, don't you? A Yes, sir.
Q What is the name of your wife? A Eliza Kolpin.
Q How old is she? A 42 years old.
Q When did you marry her? A IN '75.
Q What is the names of your children? A Leon Kolpin.
Q How old is Leon? A 20 years old.
Q What is the next child, Mr. Kolpin? A Augusta.
Q How old is Augusta? A Three years old.
Q Is that all? A That is all.

1880 Roll; page 775, #1220, Chas. W. Kolpin, Tahlequah.
1880 Roll; page 776, #1221, Eliza Kolpin, Tahlequah.
1896 Roll; page 1283, #153, Charles W. Kolpin, Tahlequah.
1896 Roll; page 1198, #1851, Eliza Kolpin, Tahlequah.
1896 Roll; page 1198, #1854, Leon Kolpin, Tahlequah.

Q Have you always lived in the Cherokee Nation since you married?
A Yes, sir.
Q Is Eliza your first wife? A Yes, sir.
Q Are you her first husband? A Yes, sir.
Q Are you living with her now? A Yes, sir.
Q Are these children both alive and living with you now? A Yes, sir.

Com'r Needles:--The name of Charles Kolpin appears upon the authenticated roll of 1880 as Charles W. Kolpin as well as upon the census roll of 1896. The name of his wife, Eliza is found upon the authenticated roll of 1880 and the census roll of 1896. The name of his child Leon, is found upon the census roll of 1896 and he presents satisfactory proof of birth as to, Augusta, a child whose name does not appear upon said roll, having been born since said roll was compiled. They all being duly identified and having made satisfactory proof as to their residence, the said Charles Kolpin will be duly listed for enrollment as a Cherokee citizen by intermarriage and his wife, Eliza, and children as enumerated herein, will be duly listed for enrollment as Cherokee citizens by blood.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 30th day of November, 1900.

[signature]

Enrollment 99

R.
Cher. 5871.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 1, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CHARLES KOLPIN as a citizen by intermarriage of the Cherokee Nation.

CHARLES KOLPIN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Charles W. Kolpin.
Q Is that your full name? A Yes sir.
Q Do you desire to be listed for enrollment under your full name? A I don't remember what was,--something was said about that, because my name had been once on the 1880 roll as Charles W.
Q You gave your name at the time you made application for enrollment as Charles Kolpin. Do you desire to be enrolled under the name of Charles W. Kolpin? A Yes sir, that's right.
Q How old are you? A Fifty-seven.
Q What is your post office address? A Tahlequah.
Q You are a white man? A Yes sir.
Q What is the name of your wife? A Eliza.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to her? A Yes sir.
Q Have you and she lived together continuously ever since your marriage? A Yes sir.
Q You are living togethernow? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q At the time you made application for enrollment, did you file with the Commission satisfactory proof of your marriage to your Cherokee wife according to Cherokee law? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since the date of your application for enrollment? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Charles Kolpin as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 5871.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 1st day of October, 1902.

John Rogers
Notary Public.

C.5871

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 2, 1907.

In the matter of the application for the enrollment of Charles W. Kolpin as a citizen by intermarriage of the Cherokee Nation.

Charles W. Kolpin being first duly sworn by Edward Merrick, Notary Public, testifies as follows:

BY THE COMMISSIONER:

Q State your name, age and postoffice address. A Charles W. Kolpin, Talequah, Cherokee Nation; 64.
Q You claim citizenship in the Cherokee Nation by intermarriage? A Yes, sir.
Q Through whom do you claim. A Through my wife Eliza Lillard, that is her maiden name.
Q What is her citizenship? A Cherokee by blood.

The said Eliza Kolpin nee Lillard is identified on Cherokee Straight Card No. 5871 and is on the approved roll of citizens by blood of the Cherokee Nation opposite No. 14056. The applicant is also identified on the same Cherokee card as an intermarried white The said Eliza Kolpin nee Lillard the applicant, Charles W. Kolpin, are also identified on the Cherokee authenticated tribal roll ofm1880 and the Cherokee census roll of 1896.

Q Is your wife living at this time. A Yes, sir.
Q When were you married to her? A 18 ~~and~~ 75 in March.
Q Where were you married? A Talequah, Cherokee Nation.
Q Were you married under a Cherokee license. A Yes, sir.
Q Have you that license with you? A No, sir.
Q Have you a copy of it ? A No, sir. I went to the executive office to obtain a copy of the license but Mr. Harris said the records had all been sent to this office.
Q Had you ever been married prior to your marriage to your present wife? A No, sir.
Q Had she been married prior to that time? A No, sir.
Q Have you lived together continuously since your marriage? A Yes, sir.
Q Where have you lived during that time? A In Talequah district, Cherokee Nation.
Q You say you were married under a Cherokee license? A Yes, sir
Q Who was that license issued by? A O. C. Daniels, clerk of the District Court.
Q What district? A Tahlequah.
Q Who was the marriage ceremony performed by? Judge James Hendricks, Judge of the District Court, Tahlequah district.
Q Are either of those ~~two~~ persons living? A No, sir.
Q Both dead? A Both dead.
Q What is the date of your marriage? A It is on or about the 20th of March.
Q What year? A 18 and 75.
Q Do you remember what procedure you followed in order to obtain

a Cherokee license? A Yes, sir.
Q Just explain what you did? A The application was issued by the clerk-- I had to get signers to the effect of my getting married. I returned this application after getting the signers--I think it was ten signers Cherokees by blood. I returned these applications and then license was issued to marry. This license was returned after I married and put on record. I never received them back.
Q Did you receive a certificate of marriage. A No, sir.
Q You have no documentary evidence whatever to show that you were married under the Cherokee law? A No, sir. The reason I guess was that I was living close to Tahlequah and the records was kept there and I could get them any time. They was as safe in the office of the Cherokee Nation as they would be in my house.
Q You say Mr. Harris of the Cherokee Executive office told you that the court records were here at Muskogee did he? A Yes, sir.
Q Did he tell you that after he had made an examination over there or did he just tell you that when you requested a certified copy. A No, sir. I made application on Saturday last for to get a copy of my marriage certificate and Mr. Harris said " I am sorry to say that a week ago that the records containing the names of intermarried citizens after November 1, 1875 was called for by the Commissioner's office at Muskogee. I ain't got anything in the office here that will help you."

The records of marriage licenses issued by the Cherokee Nation and furnished this office by said nation fail to cover the year 1875, hence no documentary evidence can be found showing the marriage of the applicant, Charles W. Kolpin, to the said Eliza Kolpin nee Lillard.

Q Mr. Kolpin the records furnished this office by the Cherokee Nation fail to cover the date that you allege you were married to your request wife. Can you again request the Cherokee Nation to furnish you with a certified copy of that license? A Yes, sir.
Q If the Cherokee Nation should be unable to furnish you with a certified copy of this record, have you any witnesses that you could introduce to show that you were married at the time that you allege and in accordance with the Cherokee law? A Yes, sir. I could furnish witnesses to that effect, and then one witness is living who was present at the time of my marriage.
Q What is his name? Walter Lozier.
Q Where does he live. A Tahlequah.
Q Your wife of course could also testify to this matter.
A Yes, sir.
Q In case we are unable to get a certified copy of this record it will be necessary for you to introduce secondary evidence, that is, testimony of witnesses who saw you married and know you were married in accordance with Cherokee law, in order to establish your rights to citizenship by intermarriage of the Cherokee Nation. You will be notified if further evidence is required to establish your rights.

WITNESS EXCUSED.

E. Elmer Lane upon oath states that she reported the proceedings in the above entitled cause and that the foregoing is a true and correct transcript of her stenographic notes therein.

E. Elmer Lane

Subscribed and sworn to before me this 2nd day of January 1907.

Wm. H. Powell
Notary Public

C. F. B. Cherokee 5871.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 29, 1907.

In the matter of the application for the enrollment of Charles W. Kolpin as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:
Walter Loser for applicant.
Cherokee Nation represented by W. W. Hastings, Attorney.

Walter Loser being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER:

Q What is your name? A Walter Loser.
Q What is your age? A About 47.
Q What is your post office address?
A Tahlequah.
Q Are you a citizen of the Cherokee Nation?
A Yes sir.
Q By blood? A Yes sir.
Q Are you acquainted with a person in the Cherokee Nation by the name of Charles W. Kolpin?
A Yes, I am acquainted with him.
Q How long have you known him?
A Something over 30 years.
Q He has been recognized since you knew him as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Are you acquainted with his wife? A Yes sir.
Q Did you know her before her marriage to Charles W. Kolpin?
A Yes sir.
Q What was her maiden name? A Eliza Lillard.
Q Do you know when they were married? A Yes sir.
Q In what year? A '75 in March.
Q Were you present at the marriage ceremony?
A Yes sir.
Q Where were they married? A Judge Hendricks.
Q In what district? A Tahlequah District.
Q Was she a recognized citizen of the Cherokee Nation at the time he married her? A Yes sir.
Q Citizen by blood? A Yes sir.
Q Do you know of your own personal knowledge that Charles W. Kolpin secured a marriage license and married his wife in accordance with the law of the Cherokee Nation?
A Yes sir.
Q Did you see his license?
A No, I didn't see his license, either; I was there at the marriage but I never looked at the license.
Q You have every reason to believe though that he had one?
A Yes sir.
Q You didn't sign his petition? A No sir.
Q You have known Charles W. Kolpin ever since his marriage, have you?
A Yes sir.

Q You know of your own personal knowledge that since that time he has been recognized as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q And enjoyed all the rights and privileges of a citizen by intermarriage? A Yes sir.
Q He has voted at the elections?
A Yes sir; he has voted.
Q Has he ever held any office of any kind?
A Not that I know of.
Q Was his wife ever married to your knowledge, prior to her marriage to him?
A Not that I know of.
Q Was he ever married that you know of prior to his marriage to his wife?
A Not that I know of.
Q Since their marriage they have lived together continuously as husband and wife?
A Yes sir.

BY MR. HASTINGS.

Q Why do you think it was in March of 1875; do you remember it independently or is there any circumstance which makes you remember that date?
A There is nothing in particular that causes me to remember it?
Q You just remember that it was in March of '75?
A Yes sir; somewhere in March of '75.

Dennis Hendricks being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Dennis Hendricks.
Q What is your age? A 53.
Q What is your post office address?
A Tahlequah.
Q You are a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Are you acquainted with Charles W. Kolpin?
A Yes sir.
Q When did you first become acquainted with him?
A Along sometime in '75, I think it was; along in March, '75.
Q He is a married man?
A He came to my father's house at that time and my father married him.
Q Were you acquainted with his wife before he married her?
A No sir.
Q You say they came to your father's house and were married?
A Yes sir.
Q Was your father at that time an official of the Cherokee Nation? A Yes sir.
Q What position did he hold? A District Judge.
Q You were a witness to the marriage, were you?
A Yes sir.

C. F. B.

Cherokee 5871.

Q When did you say it occurred?
A I think it was sometime in March,- I don't know the date exactly but it was in March of '75.
Q How long was your father Judge of the District?
A Four years.
Q When did his term begin?
A I think he was elected in '72 and he was re-elected after that; served two years to the office.
Q You have been personally acquainted with Charles W. Kolpin since that time? A Yes sir.
Q To your own personal knowledge he has been recognized since then as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q He has exercised all the rights of a citizen by intermarriage?
A Yes sir.
Q Has he voted at the elections?
A Yes sir; I think he did.
Q Did you see his marriage license?
A Well, I did at the time when father married him but I don't know what ever went with it.
Q You have every reason then to believe that Charles W. Kolpin secured a license and married his wife in accordance with the law of the Cherokee Nation?
A Yes sir.

Charles W. Kolpin being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q State your name, age and post office address.
A Charles W. Kolpin; 61; Tahlequah, Cherokee Nation.
Q What is the name of your oldest child?
A John P. Kolpin.

An examination of the Cherokee authenticated tribal roll of 1880, shows that the applicant in this case, Charles W. Kolpin, his wife Eliza, and the name of the child given by the applicant as his oldest child, John P. Kolpin, are identified on said roll, Tahlequah District, at No. 1220, 1221 and 1222 respectively, the age of said John P. Kolpin appearing on said roll as four years.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 1st day of February, 1907.

John E. Tidwell
Notary Public.

Book "C" record of marriages Tahlequah District appears the following entry.

" # 61 License granted Charles Kolpin, a citizen of the United States to marry Miss Elisa Lillard a Cherokee March 29th 1875 Ceremony by judge James Hendericks March 30th A. D. 1875."

Homer J. Councilor being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes he made the above and foregoing from the original thereof and that the same is true and correct.

Homer J. Councilor

Subscribed and sworn to before me this February 6, 1907.

Notary Public.

E C M

Cherokee 5871.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of CHARLES W. KOLPIN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, November 30, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Charles W. Kolpin as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 1, 1902 and Muskogee, Indian Territory, January 2, 1907, and January 29, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Charles W. Kolpin, a white man, was married in accordance with Cherokee law March 30, 1875 to his wife Eliza Kolpin, nee Lillard, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District No.1221, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.14056. It is further shown that from the time of said marriage the said Charles W. Kolpin and Eliza Kolpin resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Charles W. Kolpin is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1[illegible] 1907

Cherokee
5871

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting the application for the enrollment of Charles W. Kolpin, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-44.
HJC

Commissioner.

Cherokee 5871.

Muskogee, Indian Territory, February 13, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Charles W. Kolpin, as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

J. W. Hastings

Attorney for Cherokee Nation.

Cherokee
5871.

Muskogee, Indian Territory, February 13, 1907.

Charles W. Kolpin,

Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl. HJ-45 1/2
HJC

Commissioner.

Cher IW 190

Cher IW 190

E.G.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

WILLIAM H. STEVENS

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.6606.

IN THE BUREAU APPEALS

Bureau of Land Management, Department of the Interior, Washington, D.C.

"December 1, 1900.

"Appeal of Lyman A. Kirkpatrick, Contestant, vs. Entry of Charles Ellis Clark, Contestee, Lot 1 Sec. 3 T. 1 N. R. 1 E. Boise Meridian, Boise City, Idaho.

"The undersigned, being among the Contestant, Lyman A. Kirkpatrick, and Charles Ellis Clark, Contestee, and the Contestee, Charles Ellis Clark, being duly sworn, testifies and deposes and says that he is a citizen of the United States and is over the age of twenty-one years and competent to testify in this case, and that the following is a stenographic report of the testimony and proceedings in the contest case, and that the following is a true and correct transcript of said testimony taken and proceedings had in said

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 13th, 1900.

IN THE MATTER OF THE APPLICATION OF Elmira Stevens for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Elmira Stevens.
Q How old are you? A Forty three.
Q What is your Postoffice address? A ParkHill.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Whom do you want to enroll? A My family.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q Why is he not here? A He had a sick father he had to staw with
Q What is his name? A William Henderson Stevens.
Q Is he a white man? A Yes sir.
Q How old is he? A He is about fifty six.
Q What is his Postoffice? A ParkHill.
Q When were you married to him? A I can not tell you.
Q Have you a certificate of marriage? A No sir; we got our license destroyed.
Q Were you married before 1880? A Yes sir.
Q What are the names of your childre n? A Elizabeth.
Q How old is she? A She is eighteen.
Q Next one? A Stephen.
Q How old is he? A He is seventeen.
Q Next one? A Sarah.
Q How old is she? A Fifteen.
Q Next child? A Fanny.
Q How old is she? A Eleven.
Q Next child? A That is all.

(1880 Roll, Page 391, #1201, Henderson Stephens , Flint D'st)
(1880 Roll, Page 391, #1202, Elmira Stephens, Flint D'st)
(1896 Roll, Page 1238, #231, Henderson Stephens, Tahlequah D'st)
(1896 Roll, Page 1238, #2895, Elmira Stephens, Tahlequah D'st)
(1896 Roll, Page 1238, #2897, Elizabeth Stephens, Tahlequah ")
(1896 Roll, Page 1238, #2898, Stephen Stephens, Tahlequah ")
(1896 Roll, Page 1238, #2899, Sarah Stephens, Tahlequah ")
(1896 Roll, Page 1238, #2900, Fannie Stephens, Tahlequah ")

Q Have you and your husband lived together continuously since 1880?
A Yes sir.
Q He is living with you now? A Yes sir. "Henderson"
Q Never have been separated? A No sir.
Q Are these children all living? A Yes sir.

Com'r. T. B. Needles: The name of William Henderson Stevens appears upon the authenticated roll of 1880, as an intermarried white, and upon the census roll of 1896, as "Stephens:" The name of his wife, Elmira Stevens, appears upon the authenticated roll of 1880, as well as the census roll of 1896, she being identified as a Cherokee citizen by blood. The names of their children, Elizabeth, Stephen, Sarah and Fanny are found upon the census roll of 1896. They are all duly identified, and make satisfactory proof as to their residence; consequently, the said William Henderson Stephens will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Elmira Stephens and children as enumerated herein as Cherokee citizens by blood.

_____

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 19th day of December, 1900.

COMMISSIONER.

27 1902

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[illegible]

[illegible]

JOR.
Cher. 6606.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 8, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of WILLIAM H. STEVENS as a citizen by intermarriage of the Cherokee Nation.

WILLIAM H. STEVENS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A William Henderson Stevens.
Q Have you a child William H. Stevens? A No sir.
Q How old are you? A I am about fifty-seven.
Q What is your post office address? A Park Hill.
Q You are a white man, are you? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A My wife did. She came, I didn't come.
Q What is the name of your wife? A Elmira Catherine before she was married. Elmira Stevens now.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to her? S Yes sir.
Q When were you and she married? A We have been married over twenty-nine years.
Q Were you married at that time under Cherokee law? A Yes sir.
Q Have you and she lived together continuously ever since that time
A Yes sir.
Q Are you living together now? A Yes sir.
Q Were you living together on the 1st day of September, 1902?
A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q You are her first husband and she is your first wife? A
A Yes sir.
Q Have you resided in the Cherokee Nation continuously since you and your wife were married? A Yes sir.
Q Has she? A Yes sir.
Q You have how many children? A I have got five living and one dead.
Q How long has that child been dead? A I don't know, it has been about a year. He was a g rown man, married and had a family. He came here and enrolled himself.
Q You made application for the enrollment of hw many children?
A I think three--four I reckon.
Q Are all those children living now? A Yes sir.

This testimony will be filed with and made a part of the record in the ma ter of the application for the enrollment of William H. Stevens as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 6606.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenogra hic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 14th day of October, 1902.

John O. Rosser

JOR. Cherokee 6606.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,

Tahlequah, I. T., November 22, 1904.

In the matter of the application of William H. Stevens Sr., for the enrollment of himself and a citizen by intermarriage and of his wife Elmira Stevens and children Elizabeth and Stephen Stevens and Sarah James, Fannie Stevens and Jesse L. James, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY:

ELIZABETH HAMILTON, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Elizabeth Hamilton.
Q How old are you? A 22 years old.
Q What is your postoffice? A Park Hill.
Q Are you a Cherokee by blood? A Yes sir.
Q Are you a daughter of William H. Stevens and Elmira Stevens?
A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q What is the name of your husband? A Joseph Hamilton.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q Are you and he living together now? A Yes sir.
Q When were you married? A
There is offered in evidence a marriage license that the applicant was married on May 17, 1902.
Q Is that the correct date of your marriage? A Yes sir.

Clinton W. Myers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete transcript of his stenographic notes taken therein.

Clinton W. Myers

Subscribed and sworn to before me this the 29 day of November, 1904.

Samuel Foreman
Notary Public.

C. F. B. Cherokee 6606.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 19, 1907.

In the matter of the application for the enrollment of William H. Stevens as a citizen by intermarriage of the Cherokee Nation.

William H. Stevens being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? William Henderson Stevens.
Q What is your age? A 60.
Q What is your post office address?
A Park Hill.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A No sir.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood?
A Yes sir.
Q What is the name of the citizen through whom you claim such right?
A Elmira Srevens.
Q Is she living? A Yes sir.
Q When were you married to Elmira Stevans?
A In '73.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her?
A Yes sir.
Q Living in the Cherokee country?
A Yes sir.
Q Did you procure a marriage license and marry her in accordance with the law of the Cherokee Nation?
A Yes sir.
Q In what district was the license issued?
A In Flint District.
Q By whom were you married? A Judge Christie.
Q He was Judge of Flint District at that time?
A Yes sir.
Q Since your marriage to your wife, Elmira Stevens, have you and she continuously lived together as husband and wife?
A Yes sir.
Q And lived all these years in the Cherokee Nation?
A Yes sir.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.

C. F. B. Cherokee 6606.

The applicant, William H. Stevens, is identified on the Cherokee authenticated tribal roll of 1880, Flint District, No. 1201. His wife, Elmira Stevens, is identified on said roll at No. 1202 and her name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 28,287.

Q Have you any evidence of a documentary character to show your marriage to your wife?
A No sir; I got them misplaced.
Q Have you any witnesses here?
A Yes sir; I have two witnesses.
Q Since your marriage to your wife, Elmira Stevens, you have exercised all the rights and enjoyed all the privileges of a citizen of the Cherokee Nation; by intermarriage?
A Yes sir.
Q Did you ever hold any office? A No sir.
Q But you have voted at elections?
A Yes sir; and sat on the grand jury.

Elmira Stevens being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

Q What is your name? A Elmira Stevens.
Q What is your age? A 49.
Q What is your post office address?
A Park Hill.
Q You appear for the purpose of giving testimony relative to the right to enrollment of William H. Stevens as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you known William H. Stevens?
A About 36 or 37 years.
Q He is a white man? A Yes sir.
Q Are you acquainted with his wife, Elmira Stevens?
A I am his wife.
Q You are a citizen by blood of the Cherokee Nation?
A Yes sir.
Q When did you marry William H. Stevens?
A In '73.
Q You were a recognized citizen of the Cherokee Nation at that time?
A Yes sir.
Q And residing in the Cherokee country?
A Yes sir.
Q Where were you and he married?
A Wauhilla, Flint District.
Q Did your husband secure a license and marry you in accordance with the law of the Cherokee Nation?
A Yes sir.
Q Was William H. Stevens your first husband?
A Yes sir.
Q Are you his first wife? A Yes sir.
Q Since your marriage, have you and he continuously lived together as husband and wife?
A Yes sir.

C. F. B. Cherokee 6606.

Henry M. Brown being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

Q What is your name? A Henry Marshall Brown.
Q What is your age? A 52.
Q What is your post office address?
A Chance, Indian Territory.
Q Do you know a person in the Cherokee Nation by the name of William H. Stevens?
A Yes sir; I always knew him by the name of Henderson Stevens.
Q Are you related to him in any way?
A No sir.
Q How long have you known him?
A 34 or 35 years.
Q Do you know his wife, Elmira Stevens?
A Yes sir.
Q Did you know her prior to her marriage to William H. Stevens?
A Yes sir.
Q She is a Cherokee by blood?
A Yes sir; always claimed to be.
Q He claims the right to enrollment as a citizen of the Cherokee Nation by virtue of his marriage to her?
A Yes sir.
Q He is recognized as a white man?
A Yes sir.
Q When were William H. and Elmira Stevens married?
A In '73 or '74.
Q Were you present? A Yes sir.
Q Where were they married?
A On Hungry Mountain at Judge Christie's, in Flint District.
Q Did you see his marriage license?
A No sir; if I did, I don't recollect it.
Q But it has always been your understanding and you believe that he secured a license and married his wife in accordance with the law of the Cherokee Nation?
A I guess he did; he was married by the Judge of the District.
Q Since his marriage he has been recognized as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q He has enjoyed all the rights and privileges of that class of citizens?
A Yes sir; so far as I know.
Q Have you known these parties continuously since their marriage?
A Why, I haven't lived right near them; 20 to 30 miles distance.
Q You never have heard of any separation?
A No sir.

Mr. William H. Walker, being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

Q What is your name? A William H. Walker.
Q What is your age? A 40.
Q What is your post office address?
A Tahlequah.

C. F. B. Cherokee 6606.

Q You are acquainted with a person in the Cherokee Nation by the name of William H. Stevens?
A Yes sir.
Q Do you know him as an intermarried citizen of the Cherokee Nation?
A Yes sir; he has always been recognized as such.
Q His wife is a recognized citizen by blood?
A Yes sir.
Q How long have you known William H. Stevens?
A I have known him for 30 years.
Q Since you became acquainted with him, he has to your own personal knowledge, been recognized as a citizen by intermarriage of the Cherokee Nation and has enjoyed all the rights and privileges of that class of citizens?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 24th day of January, 1907.

John E. Tidwell
Notary Public.

C. F. B. Cherokee 6606.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 29, 1907.

In the matter of the application for the enrollment of William H. Stevens as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant represented by Mr. Gorney in behalf of Soper, Huckleberry & Owen.
Cherokee Nation represented by W. W. Hastings, Attorney.

Wilson Rider being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Wilson Rider.
Q What is your age? A 67.
Q What is your post office address?
A Tahlequah.
Q You appear here today for the purpose of giving testimony relative to the right to enrollment of William H. Stevens, as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.

BY MR. GORNEY.

Q How long have you known Mr. Stevens, Mr. Rider?
A I can't just exactly tell you how long but I have known him ever since before the war; me and him was little boys together; his father had a water mill up yonder,- belongs to Nancy Adair; this Henderson Stevens,-- his father put up a water mill for Nancy Adair, and we used to play at the mill.
Q You are a citizen of the Cherokee Nation?
A Yes sir; that's what they all said; I reckon I am.
Q Whereabouts did you reside Mr. Rider, in the 70's,- between 70 and 80?
A I lived at what they called Park Hill.
Q In what district? A In Tahlequah District.
Q Were you acquainted with the woman that Henderson Stevens married? A Yes sir.
Q Was she a citizen of the Cherokee Nation or not?
A Yes sir; she was a citizen of the Cherokee Nation; Cherokee by blood.
Q What was her name before she was married?
A We called her Miry,- Elmira Cabin I reckon.
Q Do you know where she and Henderson Stevens were married?
A They got married in Flint District. Jackson Christie who was District Judge, married them.
Q Did you or didn't you sign the petition for the license of Henderson Stevens?
A I signed the petition; old man Levi Keys,- he's dead though now,- was the first man signed the petition; William Keys signed the petition and Marshall Brown,- I think he's living,- he signed the petition.

Q Did the people look upon Henderson Stevens as a citizen of the Cherokee Nation?
A I reckon so; he was married under the Cherokee law because Judge Christie was a Cherokee.

BY MR. HASTINGS.

Q Do you know when he was married?
A I think it was in '73.
Q What month?
A I don't know what month it was.
Q How old are you? A I am about 67.
Q How far was you living from him when he was married?
A I lived about half a mile from him.
Q Had his wife ever been married before?
A No sir; not as I know of.
Q Had Stevens ever been married before?
A No sir; not that I know of.
Q Did you know them? A Of course I knew them.
Q Then you know they hadn't been married, don't you?
A No sir.
Q They lived in the same community with you, didn't they?
A I don't think the girl had ever been married before and I don't think Henderson was ever married before either.
Q Is his wife a sister of John Cabin? A Yes sir.

ON BEHALF OF COMMISSIONER.

Q You have known Henderson Stevens continuously since his marriage? A Yes sir.
Q And he has always been recognized as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q He has voted at the elections? A Yes sir.
Q He has exercised all the rights of a citizen by intermarriage of the Cherokee Nation?
A Yes sir; so far as I know he did.
Q You never heard his right as an intermarried citizen questioned?
A No sir.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 1st day of February, 1907.

John E. Tidwell
Notary Public.

E C M

Cherokee 6606.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of WILLIAM H. STEVENS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 13, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of William H. Stevens, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 8, 1902 and November 22, 1904 and at Muskogee Indian Territory, January 19, 1907 and January 29, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, William H. Stevens, a white man, was married in accordance with Cherokee law in 1873 to his wife, Elmira Stevens, nee Catron, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Flint District, No.1202 as a native Cherokee and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No.25287. It is further shown that from the time of said marriage the said William H. Stevens and Elmira Stevens resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, William H. Stevens is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 11 1907.

Cherokee 6606

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of William H. Stevens as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-20
JMH

Cherokee 6606

Muskogee, Indian Territory, February 14, 1907.

The Commissioner to the Five Civilized Tribes,

Muskoge, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling William H. Stevens as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 6606

Muskogee, Indian Territory, February 14, 1907.

William H. Stevens,

Park Hill, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-21
JMH

Cher IW 191

Cher IW 191

E.O.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

CHARLES M. McCLELLAN

as a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.10152.

[illegible]

[illegible]

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 12th 1921.

In the matter of the application of Charles M. McClellan for enrollment as a Cherokee citizen; he being sworn before Commissioner C. R. Breckinridge, testified as follows:-

Q What is your name? A. Charles M. McClellan.
Q How old are you? A. 55.
Q What is your post office? A. Claremore.
Q In what district do you live? A. Cooweescoowee.
Q Do you want to enroll yourself and family? A. Yes My family has been enrolled.
Q Just apply for yourself? A. Yes sir.
Q Your wife and children have been applied for? A. Yes sir.
Q What is your wife's name? A. Jennie L.
Q You claim as an inter-married citizen? A. Yes sir.
Q You are a white man? A. Yes sir.
Q Have you your marriage license and certificate? A. No sir.
Q When were you married? A. 8th of February, 1869.
Q What was your wife's name when you married her? A. Foreman.
Q Was that her maiden name? A. Yes sir.
Q Give me the name of her father? A. Stephen Foreman.
Q Is he dead? A. Yes sir.
Q Give me the name of her mother? A. Sallie.
Q Is her mother dead? A. Yes sir.
Q Has your wife lived in the Cherokee Nation all her life? A. Yes sir, excepting a year or two during the war.
Q She of course is a Cherokee by blood? A. Yes sir.
Q Was your wife never married except to you? A. No sir.
Q And you were never married except to her ? A. No sir.
Q Have you and she lived together since you were married in 1869? A. Yes sir.

The 1880 authenticated rolls of the Cherokee Nation examined and on page 141, #1927 thereof appears the name of C.M.McClellan in Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and on page 316, #1934 thereof appears the name of Charles McClellan in Cooweescoowee district.

Q Did you ever take an allotment on the Cherokee Strip? A. Yes sir, myself and my family all taken allotments on the Strip.

By W.W.Hastings:-

" The Representatives of the Cherokee Nation protest against the enrollment of Charles M. McClellan as a citizen of the Cherokee Nation by adoption because of the fact that in September, 1893, he took an allotment on what is known as the Cherokee Strip, without any compensation to the Cherokee Nation, as did other allotees of the Cherokee Strip who were residents of the Cherokee Nation and citizens of the same by blood.

Examination of applicant continued by the Commission:

Q Did you take an allotment on what is known as the Cherokee Strip in 1893?
A Yes sir.
Q Did you live there prior to that time? A. Yes sir.
Q When it was a part of the Cherokee Nation? A. Yes sir.
Q How long did you live there after you took your allotment? A. I had a ranche there .
Q Have you that ranche yet? A. No sir.

Q How long did you have it? A. All cattle men were put out of there in '90.
Q When have you ceased to make your home in that section? A. I lived there in 1883; I staid there myself most of the time until we left for good; went there in '80 and staid until '90. My family did not life there long we had chills and fever and they went back home—I staid out there.
Q And your family were back at home near Claremore ? A. Yes sir and at Tahlequah.
Q Your family never did live there did they? A. Yes sir in 1883.
Q When did your family quit living there? A. Same year
Q You haven't lived there yourself since 1890? A. No sir.
Q Do you still own a place there? A. Yes sir own an interest.
Q Your real home was back here in the Cherokee Nation? A. Yes sir.
Q How much land did you take in that allotment? A. Eighty acres.
Q You sold that did you? A. Yes sir.
Q When did you sell it? A. Think it was in 1894.
Q And you kept the proceeds of it? A. Never got anything out of it; started a town-site on it and I lost it.
Q But if any proceeds had arisen you would have gotten it individually
Q Yes sir I guess so, The Government issued me a patent to it; it was valued at $112.00
Q You have heard to protest made by the Representatives of the Cherokee Nation; your claim I presume is that you had under Cherokee Constitution and laws the same right as any other Cherokee citizen? A. Yes sir I think I have.
Q You didn't receive any Strip money in 1894 did you? A. No sir.
Q So there was no reduction made from the Strip money by reason of your allotment and no balance paid over to you in 1894? A. No sir.

Com'r Breckinridge,-

The applicant is identified on the 1880 and 1896 rolls as an adopted Cherokee. He is a white man and states that he has lived with his wife, a Cherokee woman, and in the CherokeeNation ever since their marriage in 1869. The Cherokee Representatives present protest against the enrollment of this applicant upon the ground that he beinga an intermarried citizen ,took an allotment in what is known as the Cherokee Strip in 1893. For the further consideration of this point the applicant will now be listed for enrollment as a Cherokee by intermarriage on a doubtful card, and the final decision of the Commission will be made known to him at his post office address.

= = = =

D1089

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 11 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. Coo.

CHEROKEES BY BLOOD AND ADOPTION.

(5-64 N.

Date Feb. 12th 1900.

Name Charles W. McClelland Claremore I.T.

District Coo. Year 1880 Page 441 No. 1927

Citizen by blood No. Mother's citizenship

Intermarried citizen yes.

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Not Entitled

Mr. I am 1880 roll as C. W. McClellan

C 1089

[illegible]

[illegible]

[illegible]

Supl.-C.D.#1189.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19? 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLES M. McCLELLAND as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 19th day of March, 1902, and that on said date he might appear before the Commission either in person or by attorney when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having this day, to-wit: the 19th day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings has this day in the above application, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J O Rosson

Cherokee D-1089.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 23, 1902.

In the matter of the application of Charles H. McClellan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Charles H. McClellan.
Q How old are you? A I will be fifty-seven next birthday. fifty-six last March.
Q What is your postoffice address? A Claremore.
Q Are you an applicant for enrollment as an intermarried citizen? A Yes sir.
Q What is your wife's name? A Jennie L.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you married to your wife, Jennie L.? A February, '69.
Q Married under a Cherokee marriage license were you? A Yes sir.
Q Have you filed your license with the Commission? A No sir, we couldn't find my license, it got misplaced some way.
Q Did you make proof to the Commission? A Yes sir.
Q Were you on the 1880 roll with your wife as an intermarried citizen? A Yes sir.
Q Have you and your wife lived together from 1880 up to the present time? A All the time, yes sir.
Q Never have been separated? A No sir.
Q You never have been married to any other women since 1880? A No sir.
Q You and your wife were living together on the first day of September, 1902? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since 1880 up to the present time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. G. Rothenberger

Subscribed and sworn to before me this 29th day of November, 1902.

B. O. Jones
Notary Public.

D1089

MAR 14 1962

CHAIRMAN

Tahlequah, Ind' Terry March 14th" 1902.

$ 112.00

Received of Charles H.McClellan, One Hundred and twelve Dollars, ($112.00) the amount due the Cherokee Nat'n from him, for his allotment taken on the Cherokee Strip.

Treasurer Cherokee Nat'n

Cherokee D-1089.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application for the enrollment of Charles M.McClellan as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on February 12, 1901, Charles M. McClellan appeared before the Commission at Muskogee, Indian Territory and made personal application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 19, 1902 and on October 28, 1902.

The evidence shows that the said Charles M. McClellan was married to Jennie L. Foreman, a Cherokee citizen by blood, in 1869. The said Charles M.McClellan is identified on the 1880 authenticated tribal roll of the Cherokee Nation, and on the 1896 Census roll of said nation.

It further appears that the said Charles M. McClellan took an allotment of eighty acres on the "Cherokee Strip", and received a patent therefor. It further appears that the said Charles M. McClellan on March 14, 1902 paid to the treasurer of the Cherokee Nation $112.00, the receipt therefor stating that the same was the amount due the Cherokee Nation from him for his allotment on the "Cherokee Strip."

The evidence further shows that the said Charles M. McClellan has lived in the Cherokee Nation with his said wife continuously since 1880, up to, and including September 1, 1902.

It is therefore, the opinion of this Commission that Charles M. McClellan should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB - 2 1903.

10182

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 12 1903

Chairman

Dup

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT OFFICE.

Tahlequah, I. T., JUL 31 1903 A. D. 190

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons:

Card Number	NAME	Relationship to Person First Named	Age
10152	Charles M. McClellan		57

All appear upon the records of the Commission to the Five Civilized Tribes as applicants for enrollment as citizens of the Cherokee Nation.

In the event that said persons are finally enrolled as citizens of said Nation, a certificate of citizenship in the usual form will be issued.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Enrollment Clerk. *Chairman.*

F.R. Cherokee 10152

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 31, 1907.

In the matter of the application for the enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation.

Cheroke Nation represented by W. W. Hastings.

Charles M. McClellan being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

By the Commissioner:
Q What is your name? A Charles M. McClellan.
Q Your age? A Sixty-one.
Q Your postoffice address? A Claremore, I. T.
Q You are a white man are you? A Yes sir.
Q You claim ~~xx~~ right to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Your claim to such right is by virtue of your marriage to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is her name? A Jennie L. Foreman.
Q When were you married to Jennie L. Foreman? A Ninth of February, 1869.
Q Where were you married to her? A Park Hill.
Q What District? A Tahlequah.
Q Was your marriage under a license of the Cherokee Nation? A Yes sir.
Q Have you any documentary evidence showing that marriage? A No sir.
Q Who issued the license to you? A O. P. Brewer.
Q What office did he hold at that time? A Clerk of Canadian District.
Q Who were some of the signers of your petition? A Louis Downing, Rufus Ross, Roach Young.
Q Who married you? A Ballentine. He issued me a certificate and we had it framed and hung up at our house for I guess twenty years, and finally it fell down and broke the glass, and my wife put it away and now she can't find it.
Q Was the license ever returned so far as you know to the Clerk's office? A I don't know.
Q Is your wife living at this time? A Yes sir.
Q At the time you married her was she a recognized citizen by blood of the Cherokee nation? A Yes sir.
Q Have you resided together ashusband and wife and lived continuously in the Cherokee Nation from the time of your marriage up until the present time? A Yes sir.
Q Had you ever been married before you married Miss Foreman? A No sir.
Q Had she ever been married before she married you? A No sir.
Q Is there anyone here today who was present at that marriage? A Yes, Mr. Foreman, her brother.

Witness excused.

John A. Foreman being first duly sworn by B. P. Rasmus, testified as follows:

By the Commissioner:
Q What is your name? A John A. Foreman.

Q What is your age? A Sixty-two.
Q And your postoffice address? A Talala, I. T.
Q You appear here for the purpose of giving testimony as to the right to enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q How long have you known Charles M. McClellan? A I have known him ever since about 1859 I think; we went to school together prevéous to the war.
Q Do you know his wife? A Yes sir.
Q How long have you known her? A Known her ever since her birth in 1850.
Q Are you related to her? A Yes, I am her brother.
Q When were they married? A Married in 1869, sometime during February.
Q Where? At Park Hille at my father's house.
Q Was their marriage under a license of the Cheroke nation?
A Yes sir.
Q You saw the license, did you? A I don't remember whether I saw it or not. I am satisfied that a license was had.
Q And the marriage ceremony was under that license? A Yes. I was well acquainted with the minister and I know he wouldn't have performed the marriage ceremony unless he had a license.
Q You have no reason to think that they were not married in accordance with the laws of the Cherokee nation? A No sir.
Q They have resided together as husband and wife since that time? A Yes sir.
Q Always held themselves out as such in the community where they resided? A Yes sir.
Q And lived continuously in the Cherokee nation from the time of their marriage up to the present time? A Yes, they have made little trips out--
Q These absences were only of a temporary nature? A Yes.
Q Was you one of the signers to Mr. McClellan's petition?
A No sir.

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District as C. M. McClellan, No. 1927 as an intermarried citizen, and is identified on the Cherokee census roll of 1896, Cooseescoowee District, page 316, No. 731.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane.

Subscribed and sworn to b fore me this January 31, 1907.

Edward Merrick
Notary Public.

E C M Cherokee 10152.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of CHARLES M. McCLELLAN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 12, 1901 application was received by the Commission to the Five Civilized Tribes for the enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902, October 28, 1902 and January 31, 1907. The records further show that on February 2, 1903 the Commission to the Five Civilized Tribes rendered its decision herein granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Charles M. McClellan, a white man, was married in accordance with Cherokee law February 8, 1869 to his wife, Jennie L. McClellan, nee Foreman, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District No.1928, as a native Cherokee. It is further shown that from the time of said marriage the said Charles M. McClellan and Jennie L. McClellan resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes, February 2, 1903, granting the application for the enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation be and is hereby affirmed, and that in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Charles M.McClellan is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1 1907.

D1089

MISCELLANEOUS TO THE FIVE CIVILIZED TRIBES
FILED
FEB 28 1902
ACTING SECRETARY

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1069

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 28, 1902.

Mr. Charles M. McClellan,

Claremore, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Commissioner in Charge.
Acting Chairman.

COPY

Cherokee M-1088

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of Charles M. McClellan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. M-24

COPY.

Cherokee D-1089.

Muskogee, Indian Territory, February 26, 1903.

Charles M. McClellan,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Tams Bixby.

Chairman.

Enc/ H-13.

Register.

Cherokee
10152.

Muskogee, Indian Territory, December 27, 1906.

Charles M. McClellan,

Claremore, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, ad give testimony as above indicated.

Respectfully,

GHL

Acting Commissioner.

Cherokee
10152

Muskogee, Indian Territory, January 7, 1907

C. M. McClellan,

Oak Ridge, Louisiana.

Dear Sir:

This office is in receipt of your letter of January 1, 1907, in which you state that you are absent from the Territory on business, and it is therefore impossible for you to appear before the Commissioner in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation. You ask information in the premises.

In reply you are advised that the record in the matter of your application for enrollment will be examined, and if it is found necessary for further evidence to be introduced you will be advised thereof and given an opportunity to introduce the same.

If you have a marriage license, or a certificate of marriage, you should forward same to this office by return mail to be used in connection with your case.

Respectfully,

L M B

Commissioner

Cherokee 10152

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-26
JMH

Commissioner.

Cherokee 10152

Muskogee, Indian Territory, February 14, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Charles M. McClellan as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 10182

Muskogee, Indian Territory, February 14,1907.

Charles M. McClellan,

Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Encl.H-27
JMH

Commissioner.

Cher IW 192

Cher IW 192

E.O.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

THOMAS B. McDANIEL

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 7029.

a 7029

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 17 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JANUARY 12th, 1901.

In the matter of the application of Thomas B. McDaniel for the enrollment of himself and wife as citizens of the Cherokee Nation; said McDaniel being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Thomas B. McDaniel.
Q What is your age, Mr. McDaniel? A 61.
Q What is your post office? A Muskogee.
Q What district do you live in? A Canadian district.
Q You are a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No, sir.
Q By intermarriage? A By intermarriage.
Q Whom do you desire to enroll? A My wife and myself.
Q What is your wife's name? A Nancy McDaniel.
Q What is her age? A 66.
Q When were you married? A '74.
1880 Roll; page 559, #1284, T. B. McDaniel, Illinois.
1880 Roll; page 559, #1285, Nan McDaniel.
1896 Roll; page 90, #178, Thomas B. McDaniel, Canadian.
1896 Roll; page 48, #1319, Nan McDaniel, Canadian.
Q Have you and your wife been living together continuously since you married? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Ever since '59.
Q Living in the Cherokee Nation now? A Yes, sir.
Q You are a non-citizen? A We are in Town now, but that is my home, out here in Canadian district.
Q You have never voted in the Creek Nation over here? A No, sir.
Q Recognized as a Cherokee citizen? A Yes, sir.
Q You are a white man are you? A Supposed to be.

Com'r Needles:--The name of Thomas B. McDaniel appears upon the authenticated roll of 1880 as T. B. McDaniel, and the census roll of 1896 as Thomas B. The name of his wife, Nancy, also appears upon the authenticated roll of 1880 and the census roll of 1896 as a Cherokee citizen by blood; he having been enrolled as a Cherokee citizen by intermarriage. They are duly identified according to the page and number of the roll and makes satisfactory proof as to residence, consequently said Thomas B. McDaniel will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Nancy, as a Cherokee citizen by blood.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 14th day of January, 1901.

C. R. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., October 14, 1904.

In the matter of the application of Thomas S. McDaniel for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy McDaniel, as a citizen by blood, of the Cherokee Nation.

APPEARANCES:

THOMAS S. McDANIEL, being sworn, testifies as follows:

By the Commission:

Q What is your name? A T. S. McDaniel.
Q Thomas? A Yes, sir.
Q How old are you? A Sixty-three years old.
Q What's your post-office? A Muskogee.
Q You are a white man, are you? A Supposed to be.
Q You are on the roll of 1880 as a white man, as an intermarried white man? A Yes, sir.
Q What is your wife's name? A Nancy.
Q Was she your wife in 1880? A Yes, sir.
Q She's the wife through whom you claim your citizenship? A Yes, sir.
Q Have you and your wife, Nancy, been living together in the Cherokee Nation ever since 1880? A We have not been living altogether in the Cherokee Nation; we have been living in town for a while.
Q You have not been living outside the Territory? A No, sir.
Q You have never been separated? A No, sir.
Q Living together now? A Yes, sir.
Q And have not lived out of the Indian Territory for the past twenty-two years? A No, sir.
Q Have no children? A No.

By Mr. Starr:

Q How long have you been living in Muskogee? A Six years. I always had a farm out there in the Cherokee Nation.

Retta Quick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the application forgoing, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 12th day of November, 1902.

Notary Public.

EXHIBIT HEARINGS

OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee 7029.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., October 16, 1902.

In the matter of the application of Thomas B. McDaniel for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Nancy McDaniel, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

THOMAS B. McDANIEL, being sworn, testified as follows:

By the Commission,

Q What is your name? A T. B. McDaniel.
Q Thomas? A Yes, sir.
Q How old are you? A Sixty-three years old.
Q What's your postoffice? A Muskogee.
Q You are a white man, are you? A Supposed to be.
Q You are on the roll of 1880 as a white man, as an intermarried white man? A Yes, sir.
Q What is your wife's name? A Nancy.
Q Was she your wife in 1880? A Yes, sir.
Q She's the wife through whom you claim your citizenship? A Yes, sir.
Q Have you and your wife, Nancy, been living together in the Cherokee Nation ever since 1880? A We have not been living altogether in the Cherokee Nation; we have been living in town for a while.
Q You have not been living outside the Territory? A No, sir.
Q You have never been separated? A No, sir.
Q Living together now? A Yes, sir.
Q And have not lived out of the Indian Territory for the past twenty-two years? A No, sir.
Q Have no children? A No.

By Mr. Starr,

Q How long have you been living in Muskogee? A Six years. I always had a farm out there in the Cherokee Nation.

Ratta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the application foregoing, and that the above is a true and complete transcript of her stenographic notes thereof.

Ratta Chick

Subscribed and sworn to before me this 12th day of November, 1902.

B. O. Jones
Notary Public.

F.R. Cherokee 7029.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. January 15, 1907.

In the matter of the application for the enrollment of Thomas B. McDaniel as a citizen by intermarriage of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.
Applicant represented by W. C. Jackson.

Nancy McDaniel being first duly sworn by Frances R. Rane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Nancy McDaniel.
Q How old are you? A Seventy-two years.
Q Your postoffice address is Muskogee, A Yes sir.
Q How long have you lived in Muskogee? A We came here in October, 1894.
Q You have been married have you? A Yes sir.
Q What was your husband's name? A Thomas McDaniel.
Q Is Thomas B. McDaniel living at this time? A No sir.
Q When did he die? A The last day of September, 1906.
Q Thomas B. McDaniel claimed the right to enrollment as a citizen by intermarriage of the Cherokee nation, did he? A Yes sir.
Q You are a citizen of the Cherokee nation by blood? A Yes.
Q When did you marry Thomas B. McDaniel? A I don't remember exactly when it is, but in 1874, I think.
Q Where were you married to him? A At Fort Gibson.
Q Was that marriage under a license of the Cherokee nation? A Married according to the Cherokee laws.
Q Have you any documentary evidence of that marriage? A No sir
Q Who performed the marriage ceremony? A Judge Tim Walker, a Cherokee judge.
Q You say you have been living in Muskogee since 1894? A Yes. October, 1894.
Q Did you come to Muskogee from the Cherokee nation? A Yes sir
Q From the time of your marriage to Thomas B. McDaniel in 1874, until your removal to Muskogee in 1894, did you reside together as husband and wife, and live continuously in the Cherokee nation? A Yes sir.
Q At the time Thomas B. McDaniel married you I believe you said you were a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know anyone who is living at this time who was present at that marriage? A There was not anyone present but my uncle and he is dead. Uncle Richard Fields.
Q You don't know of your own personal knowledge, what record, if any was made of this marriage? A No, I don't.
Q Were you married prior to the time you married Thomas B. McDaniels? A Yes sir.

Q What was the name of your first husband? A Ross.
Q When were you married to Mr. Ross? A About 1850 I reckon.
Q Was Mr. Ross living at the time you married Mr. McDaniels?
A No, he was dead.
Q Was Mr. McDaniels married before he married you? A No sir.

By Mr. Hastings:
Q Domyou feel positive as to the date you were married to Mr. McDaniel? A No, I aint positive about it, but it was along in 1873 or 1874 that I know of for certain.
Q Did you live in Fort Gibson then for awhile, immediately after your marriage? A We lived there all the time, before and after. That was our home.
Q How long did you continue to live in Fort Gibson immediately after you were married to Mr. McDaniels? A We lived there until 1880, and we moved to the Canadian District in 1880.
Q What time of the year were you married? A Sometime in the winter; it was cold weather but I don't remember what day or what time of the year.
Q You don't remember whether it was the first patt of the year or the last part? A No, I don't.
Q You say Judge Tim Walker, who is now dead, married you?
A Yes sir.

By Mr. Jackson.
Q Where were you first married to Mr. McDaniels? A In 1865 in the Choctaw Nation.
Q How long after that before you came back to the Cherokee Nation? A Came here in about 1867 I think.
Q Where did you go then? A To Fort Gibson.
Q You and Mr. McDaniels have lived together, and did at that time, as husband and wife? A Yes sir.
Q And in 1874 you were married under Cherokee law? A Yes sir.
Q How came you to be married in the Cherokee nation? A Because the Agent put the white men out; they was intruders if t they didn't marry, and Richard Fields, he was my uncle, he told Mr. McDaniels he would have to re-marry me, and went and fixed up the papers for him; I didn't knew anything about it until they came back.
Q He told you that you would have to re-marry under the Cheroke law? A Yes, he liked Mr. McDaniels and didn't want him put out as an intruder.
Q Then you understood that you were married under the Cherokee laws and by Cheroke laws: A Yes, that is what uncle Dick Fields said, and we never were bothered after that.
Q He was recognized in the Cherokee nation as a citizen?
A Yes sir.
Q And exercised the rights and priveleges of a Cherokee citIzen? A Yes sir.
Q Voted and exercised other priveleges? A Yes sir.

By Mr. Hastings:
Q That is the reason that you were not right positive whether you were married in 1873 or 1874, because you had been previously married? A Yes, I thought it was all right until they got after the white men for marrying; they called them intruders and Uncle Dick got after him and said that he must marry according to the Cherokee law.

[illegible]

By the Commissioner:
Q Mrs. McDaniel, from the time you moved from Fort Gibson in 1894 to Muskogee, did you and Mr. McDaniel continue to live together as husband and wife until his death? A Yes sir.

Witness excused.

William H. Barker, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A William H. Barker.
Q Your age? A Fifty-six.
Q Your postoffice address? A Muskogee, I. T.
Q Did you ever know Thomas B. McDaniel? A Yes sir.
Q When did you first know Mr. McDaniel? A My first recollection,- I got acquainted with Mr. McDaniel in the fall and winter of 1871, I think the first time I met him.
Q Was he married at that time? A I thought he was; he was living with Mrs. McDaniel at Fort Gibson.
Q You knew Mrs. McDaniel? A Yes, before I knew Mrs McDaniel
Q Do you know anything with reference to Mr. Thomas B. McDaniel and his wife being married under Cherokee law in 1874?
A No, I don't, only just what I have been told.
Q Was it generally understood on Fort Gibson at that time that Mr. McDaniel and his wife had been married according to Cherokee law? A It was my understanding. I can't say whether it was the general understanding or not.
Q They resided together as husband and wife, and held themselves out to the community as such? A Yes, they lived there as husband and wife, and I come here and worked for him a great many years; they lived over here in my neighborhood two or three miles from here. Always been recognized and voted in the Cherokee nation as an adopted citizen
Q Please state your reasons, if any, for thinking that Mr. McDaniel and his wife had been married under Cherokee law?
A I was making my home with Mr. McDaniel in the winter of (I think) 1871. Mr. McDaniel had a notice served on him by some of the United States officers from the Indian office to vacate the country. We went over into the Creek Nation to comply with the order, and we came back shortly. A few days later on he came to me and asked me if I wanted to go to Texas with him, and we went; we came back in five or six months and after we come back I staid here about Fort Gibson a good while and well, it was very unpleasant for me around Fort Gibson about that time. I then went to Webbers Falls and when I come back the old trouble commenced again and I got put on the police force where I could have police protection abd carry arms. I ate and slept at his house and staid with him all the time I was there. Went with him everywhere.
Q In what year was this that you were appointed on the police force? A I was first put on there under the Chief in 1871, and after the trouble come up when they had disbanded the post, then I went across the river with Mr. McDaniel and lived

with him on the farm. That was in the winter of 1871, is my recollection; in the spring I come back in 1872. I worked and boarded with him; worked there until the fall of 1872.
Q When did you go on the police force again? A I went to Webbers Falls; recollect I was gone about eight months; we had police regulation there. I got to work then and worked until the spring of 1875 when I was in town.
Q In your testimony awhile ago you referrd to the time the white men were ordered out of the Nation as intruders. As I understand it Mr. McDaniel was included in that list?
A Yes sir.
Q You say you left Fort Gibson about that time? How long was it before you returned--until you got back and saw Mr. McDaniel again? A I went with him.
Q I have reference to when you went to Webbers Falls.
A That was in the fall of 1872. When I come to Webbers Falls was in the summer of 1874.
Q At that time did you understand that Mr. McDaniel and his wife had been married in accordance with the Cherokee laws?
A Yes, that was my understanding.
Q They have resided together as husband and wife from that time until Mr. McDaniel's death? A Yes sir.
Q Mr. McDaniel was recognized as a citizen by intermarriage and permitted to vote at their elections? A Yes sir.
Q And serve on juries? A Yes sir.
Q Did he ever hold office in the Cherokee nation, do you know?
A No, not under Cherokee laws; they could hold certain offices but he never had any; but he went to the elections and voted for his friends

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Illinois District, opposite No. 1284.
The applicant's wife, Nancy McDaniel appears upon the Cherokee authenticated roll of 1880, Illinois District, opposite No. 1285.
Nancy McDaniel's name is also included in the approved partial roll of citizens of the Cherokee nation, opposite No. 16787.
The applicant and his wife are also identified on the 1896 roll opposite Nos. 178 and 1319, respectively.

Frances R. Lane, upon oath states that as stehographer to the commissioner to the Five Civilized Tribs she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her shorthand notes thereof.

Frances R. Lane

Subscribed and sworn to before me this January 17, 1907.

Edward Merrick
Notary Public.

Cherokee 7029.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JANUARY 22, 1907.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of THOMAS B. McDANIEL as a citizen by intermarriage of the Cherokee Nation:

FRANK SMITH, being first duly sworn by Edward Merrick, a Notary Public, testified as follows on behalf of applicant:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Frank Smith.
Q What is your age? A 62.
Q What is your postoffice address? A Keefton, Indian Territory.
Q Did you ever know a person in the Cherokee Nation by the name of Thomas B. McDaniel? A Yes sir.
Q When did you first know Thomas B. McDaniel? A About '73.
Q Was he a married man at that time? A No sir.
Q DId you ever know a woman named Nancy McDaniel? A Yes sir.
Q Who was she? A A Shaw.
Q Was she a wife of Thomas B. McDaniel? A Yes sir.
Q State when Thomas B. McDaniel and Nancy McDaniel were married, if you know? A Well I don't know exactly but it was somewhere in '74 sometime; I stayed with them there.
Q Where were they married? A In Fort Gibson.
Q By whom were they married? A My understanding was that Judge Tim Walker married them; I wasn't at the wedding.
Q You were not present at the wedding? A No sir, I was not.
Q You were not present at the marriage ceremony but it was your understanding they were married under license of the Cherokee Nation? A Yes sir.
Q You are a white man, are you? A No sir.
Q You are a citizen of the Cherokee Nationby blood? A Yes sir.
Q Were you one of the signers to Mr. McDaniel's petition? A No sir.
Q It was the understanding in that community that Thomas B. McDaniel and Nancy McDaniel were lawfully married under license of the Cherokee Nation? A Yes sir.
Q And they lived together as husband and wife? A Yes sir.
Q Held themselves out as such and was so regarded in the community there by their neighbors? A Yes sir
Q At the time Thomas B. McDaniel married Nancy McDaniel, Nancy McDaniel was a recognized citizen by blood of the Cherokee Nation, was she? A Yes sir.
Q They continued to live together as husband and wife until the death of Mr. McDaniel a short time ago? A Yes sir.

Q How do you fix the date of their marriage as being in 1874, Mr. Smith? A Well I went with him from there to Texas in '75, down to his father's, and I had been staying with them there about five or six months, living right there in the house with him, and we went in '75 down there and they had married the year before.

Q You went to Texas,---what time of the year did you go to Texas? A In the fall, in September we left home, left Fort Gibson.

Q You remember positively they were married the year before? A It was so understood they were married.

Q The marriage to which you refer took place the year before? A Yes sir.

Q Was it your understanding that Thomas B. McDaniel and Nancy McDaniel had been married prior to that time? A Yes sir.

Q Where and when were they first married? A Married there in Fort Gibson at McDaniel's house.

Q Before 1874? A No sir, not before, in '74; they were there but were not married, lived there as man and woman after '74.

Q Did you ever hear Mr. McDaniel say what disposition was made of the marriage certificate or the license? A No sir.

(Witness excused).

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 22nd day of January, 1907.

John E. Tidwell

Notary public.

E.C.M. Cherokee 7029

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas B. McDaniel as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, January 12, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Thomas B. McDaniel as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 16, 1902, and January 15, and 22, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Thomas B. McDaniel, a white man, was married in accordance with Cherokee law in the year 1874, to one Nancy McDaniel, nee Stiff, who was , at the time of said marriage, a recognized citizen by blood of the Cherokee Nation; who is identified upon the Cherokee authenticated tribal roll of 1880, Illinois District, page 559, No. 1281, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 16787; that since the time of said marriage the said Thomas B. McDaniel and Nancy McDaniel have resided together as husband and wife and continuously retained their citizenship in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified upon the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Thomas B. McDaniel, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 1 . 1907

Cherokee 7029

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment of Thomas B. McDaniel as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-24
JMM

Commissioner.

Cherokee 7029

Muskogee, Indian Territory, February 14, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Thomas B. McDaniel as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 7029

Muskogee, Indian Territory, February 14, 1907.

Nancy McDaniel,

Muskogee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, granting the application for the enrollment, as a citizen by intermarriage of the Cherokee Nation, of your deceased husband, Thomas B. McDaniel.

You will be advised when the name of your said husband has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-25
JMH

Commissioner.

Cher IW 193

Cher IW 193

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

ABRAM MEEK

As a citizen by intermarriage of the Cherokee Nation.

No. D- 456

Cher. D. 456.

DOUBTFUL AS TO APPLICANT.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 27, 1900.

In the matter of the application of Abram Meek for the enrollment of himself and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your name? A Abram Meek.
Q How old are you? A 49.
Q What is your post-office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll? A Myself and children.
Q No wife? A No sir.
Q How many children? A 4 children.
Q Do you apply for yourself as a Cherokee by blood? A Adoption.
Q Have you your marriage license and certificate? A (produces certificate)
Q Where is your license? A Burned up when my house burned.
Com'r Breckinridge: The applicant presents certificate showing that he was married to Miss Barilla Schrimsher on the 20th day of January 1874 by the Rev. Hamilton Balentine.
Q How long did you and your wife live together after your marriage in 1874? A About 11 years.
Q Then did she die? A Yes sir.
Q Was she a Cherokee? A Yes sir.
Q Have you ever remarried since she died? A Yes sir.
Q To whom did you marry the second time? A Angeline Crowder.
Q What was her maiden name? A Moore.
Q Is she a Cherokee or a white woman? A I couldn't tell; she claims she was Cherokee, and some says she wasn't.
Q When did you marry her? A 1887.
Q Is she living now? A No sir.
Q How long did you and she live together? A About three weeks.
Q Then you separated? A She died.
Q Did she die in 1887? A Yes sir.
Q How old was she when she died? A She was about 19 I think.
Q Have you remarried since her death? A Yes sir.
Q To whom did you marry the third time? A Her name was Lillie Jones.
Q When did you marry her? A 1889.
Q Are you and she living together now? A No sir.
Q Is she dead or alive? A She is living.
Q Is she a Cherokee or a white woman? A She is Cherokee.
Q Have you ever been divorced from her? A Yes sir.
Q When were you divorced from her? A 2 years ago.
Q Have you married since you were divorced from her? A No sir.
Q Have you a copy of the decree of divorce? A Yes sir.(Produces papers)
Com'r Breckinridge: The applicant presents an official copy of the records of divorce between himself and his last wife as stated by him granted in the October Term 1899 of the United States Court Northern District of the Indian Territory at Vinita, by Judge John R. Thomas in which he was granted a divorce from his wife and is given the custody of the minor children; this is returned to the applicant.
Q Now give me the names of these children please? A William A.
Q How old is that child? A 19.
Q The next child? A Sabra E.
Q How old is she? A She is 17.
Q The next child? A Myrtle E.

Q How old is that child? A 11.
Q Next child? A Ethel Ray.
Q How old is that child? A Six.
Q Which of these children are the children of the first wife?
A The two oldest.
Q Which are the children of the second wife? A There isn't any.
Q The two youngest are the children of your third wife? A Yes sir.
Q Your wife, Lillie Jones, was Jones her maiden name? A No sir.
Q What was her maiden name? A Dennie.
Q How old is she now? A She is about 30.
Q Is she still alive? A Yes sir.
Q She was a Dennie in 1880? A Yes sir.
1880 roll page 136 #1797 Abe Meak Cooweescoowee Dist; Adopted white;
1880 roll page 136 #1798 Barilla Meak, Cooweescoowee, native Cher;
1880 roll examined for second wife, Angeline Moore, and name not found thereon.
Applicant: I think my other wife was on the roll as Stinger, that was her step-father's name.
1880 roll examined for present wife, and name not found.
1896 roll page 314 #629 Abram Meeks, Cooweescoowee District;
1896 roll page 215#3273 Wm. A. Meeks, "
1896 roll page 215#3274 Sabra E. Meeks "
1896 roll examined for last two children, and their names not found thereon.
Q Why didn't they enroll these children in 1896? A They wouldn't enroll them. And we applied to Council to have them enrolled.
Q Why wouldn't they enroll them? A Because the mother of the childrens name was wrong on the roll of 1880; she was enrolled on the roll of 1880 as Mattie Stinger.
Q Where is the mother of these two latter children living now?
A She is living up near Edna, this side of the State line.
Q You didn't get a license when you were married the 3rd time?
A Never got any license only when I married the first time.
Q Have you any reason to believe that your second wife can be identified on the roll of 1880? A I don't think she can only by that name.
Q I am talking about your second wife? A I don't think--in fact I don't know anything about her; her mother is living; she was living at Catoosa not long ago.
Com'r Breckinridge: You look like you married out when you married the second time, and the rejection by the authorities of the children of the third marriage strongly confirms that marriage; I will have to reject you, and if later you can get any evidence, of which there seems no earthly sign, showing that your second wife is on the roll of 1880, you can bring it up.

Com'r Breckinridge: The applicant applies for the enrollment of himself and four children; he is identified on the rolls of 1880 and 1896 as an intermarried white; his Cherokee wife to whom he was married in 1880 died 11 years after he was married to her in 1874; he married a wife in 1887 who would be 32 years old at this time, who died in three weeks after their marriage, and who cannot be identified upon the roll of 1880; it seems that at this point he married out of his Cherokee rights; after the death of this wife he married again in 1889; this wife cannot be identified upon the roll of 1880; they were divorced in two years after their marriage; her age at this time is said to be thirty years, and even if she be a Cherokee woman, he did not rehabilitate himself by procuring a Cherokee license for his last marriage; it is not seen that he really has any grounds for enrollment at this time; but for the present his application for his own enrollment will be placed upon a doubtful card.

Two of his children are the children of his first marriage,

William A. and Sabra E. Meek; they are identified on the roll of 1896 and are living now, and they will be listed now for enrollment as Cherokees by blood. The two younger children, Myrtle E. and Ethel E., are the children of the third and last marriage; of the applicant; as their mother cannot be identified upon the roll of 1880, it is not seen that they can possess any rights; they are respectively 11 and 6 years of age; but neither of them are upon the roll of 1896; no ground is really seen upon which these children can be listed for enrollment, but to give them the benefit of any doubt whatever that may exist, they will for the present be listed upon a doubtful card.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) M. D. Green.

Subscribed and sworn to before me this 28 day of September 1900.

(SIGNED) T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 25, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 27 day of March, 1903.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T.,OCTOBER 2nd, 1900.

IN THE MATTER OF THE APPLICATION OF LILLIE MILLER for the enrollment of her children, Ethel and Myrtle Meeks, as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Lillie Miller.
Q How old are you? A Thirty.
Q What is your postoffice? A Edna, Kansas.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have put on the roll: Two children?
A Yes sir / Ethel and Myrtle Meeks.
Q You, yourself, were enrolled just now by your husband, were you not? A Yes sir.
Q When did you marry your husband Miller? A In February of this year.
Q What was the name of your former husband? A Abe Meeks.
Q When did you marry him? A Twelve years ago.
Q How long did you live with him? A Nine years.
Q Was he a Cherokee or white man? A White man.
Q Have you ever had a divorce from him? A Yes sir.
Q Was the divorce granted you, or him? A Granted him.
Q Was the custody of the children given to you or given to him?
A Given to him.
Q Give me the names of the children? A Myrtle L. Meeks.
Q How old is that child? A Ten years old.
Q What is the name of the next one? A Ethel R. Meeks.
Q How old is that child? A Six years old.
Q Both living now, are they? A Yes sir.
Q Give me the name of your mother? A Louisa Stinger.
Q She is living now? A Yes sir.
Q She is a Cherokee, is she not? A Yes sir.
Q She is on the roll of 1880, as a Stinger? A Yes sir.
Q How are you on the roll of 1880? A As a Stinger too.
Q Did they call you Mattie Stinger at that time? A It was put in that way.
Q You were born in the Cherokee Nation? A Yes sir.
Q You have lived here all your life? A Yes sir.
Q Was your mother's husband in 1880 named David Stinger? A Yes sir
(1880 Roll, Page 178, #2725, Mrs. David Stinger, Cooweescoowee District)
(1880 Roll, Page 178, #2726, Mattie Stinger, Cooweescoowee Dist)
Q Stinger was your step father? A Yes sir.
Q Your own father was named what? A Dinny.
Q You had no sister named Mattie? A No sir.
Q They just put that name for you in 1880? A Yes sir; they just put it down that way.

The applicant applies for the enrollment of two children. It is found that they have already been enrolled upon Card "D" 456. The testimony now given will be made supplementary to that accompanying "D" Card 456, and it is shown in this testimony that the mother of these children is a native Cherokee, and she is identified on the roll of 1880 These are her children by a former marriage to a man named Meeks, from whom she has procured a divorce, as she states, after having lived with him from the time of their marriage some twelve years ago, about nine years.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) R. R. Cravens.

Subscribed and sworn to before
me this 4th day of October, 1900.

C. R. Breckinridge,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch.

Subscribed and sworn to before me this 27 day of March, 1903.

Edward Merrick
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 21st 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Abraham Meeks, Cherokee Doubtful case #456.

Appearances:
W. H. Karnegay for the applicant,
J. L. Baugh for the Cherokee Nation.

NANCY MOORE, being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the applicant:
(By Mr. Karnegay)
Q State your name? A Nancy Moore.
Q How old are you? A I am 71 the 10th of next January.
Q Where do you live and what is your post office? A Catoosa.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A A little over ten years.
Q Where did you live before you went to Catoosa? A At Whiteoake.
Q How far from town here? A Eight or ten miles.
Q Do you know Abraham Meeks, the applicant? A Yes sir.
Q Did you know his second wife? A I know who they said she was.
Q Did you know Angeline Crowder? A Yes sir.
Q What relation was she to you? A I am her mother.
Q When did she die? A She died in '87, I reckon it was.
Q Was she ever married? A Yes sir.
Q How many times? A She married twice before she married Meeks.
Q Who was her first husband? A William Parris.
Q Was he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q Where did he marry her? A In Goingsnake district.
Q Where did she live at that time? A There.
Q Where did you live then? A With her.
Q Where did she live after she married Parris? A We came west here and have lived here ever since.
Q What became of Parris? A He got into trouble and skipped the country.
Q How long after he married your daughter before he left? A Some two years.
Q What year did he marry your daughter? A In '81.
Q When, after that, did your daughter marry Crowder? A In March'86
Q Had she lived with you all the time up to that time? A Yes sir.
Q Had she ever been divorced from Parris? A No sir.
Q How long did she live with Crowder? A They was married in March and lived together until the next August come a year.
Q What became of Crowder? A He went astray like a good many other men and afterwards got drownded in the Virdigris river.
Q When did they cease living together? A Eight days from the time her baby was born.
Q When was the child born? A In August '86.
Q What was the name of that child? A Her name?
Q Yes mam, the child's name? A Rosa Lee.
Q When did Crowder drown? A He was drownded I reckon the spring of '88, I believe it was '87 or '8, he was burried pretty close to where I live.
Q Where did your daughter live after Crowder left her? A With me.
Q When did she and Meeks get married? A They got married just before the baby was a year old.
Q Where had she been living from the time that Crowder left her until she married Meeks? A With me.
Q Was she ever divorced from Crowder? A No sir.
Q What became of her child by Crowder? A I have got her yet.
Q Have you kept her ever since your daughter died? A Yes sir.
Q State if she has ever drawn money from the Cherokee Nation at its payments? A Yes sir in '96.

Q What money was it she drew? A The grass money.
Q Did she draw the Strip money? A Yes sir.
Q Who was that money paid to originally by the Nation? A Bily Moore paid it to me, but Neilson was the man that drawed it.
Q Have you ever participated in any payment yourself? A Yes sir.
Q What one did you participate in? A The bread money in '73 or '4 and the grass money.
Q Did you, after the time that Abraham Meeks was married to your daughter, draw any money? A No sir.
Q When was the last time you drew any money? A The last payment before the Strip payment.
Q What year was that? A I reckon in '91, I never kept no ledger of anything and dont know the time exactly.
Q Were you drawing as an adopted citizen or as a citizen by blood? A By blood.
Q Was your daughter recognized as a citizen of the Nation? A She was as my child, same as any other Cherokee child.

(By Mr. Baugh)

Q Does your name appear upon the authenticated roll of 1880? A Yes sir, I think it does.
Q Does your daughter's name appear on that roll? A On the '80 roll --no, let me see, I was not on the '80 roll, I was in Texas at that time on a visit.
Q When did you leave this country and go to Texas? A I disremember exactly, I think it was in seventy something, I disremember I reckon it was in '78 or '9.
Q Had you lived in the Cherokee Nation all your life up to the time you moved out in '78 or '9? A No sir I didn't move out then, I never have moved out of the Nation since I come in in '71.
Q What was you doing in Texas? A I was there on a visit.
Q How long did you remain there? A I dont remember exactly, I didn't move, I had some staock here.
Q Is your name on the roll of 1896? A I guess it is.
Q Do you know if it is or not? A Is that the roll that they drawed the money on?
Q No, the one taken five years ago? A I recollect now, no I am not on it because I wasn't on the '80 roll they wouldn't put me on that.

(By the Commission)

Q Where were you born? A Right close to the North Carolina line.
Q How old were you when you come to the Cherokee Nation? A I left there in '56.
Q And come right on the the Cherokee Nation? A No sir.
Q When did you come to first? A Mississippi.
Q When did you come on to the Cherokee Nation? A In '71.
Q Didn't you say you went to Texas? A That was afterwards on a visit.
Q What year was that in? A I went down there I think about '78 or '9 I disremember exactly.
Q How long did you stay in Texas? A Well I staid on close to two years.
Q Where was Angeline born? A In Texas.
Q You were living in Texas when she was born? A Yes sir.
Q When did you come back to the Cherokee Nation after you lived in Texas that time? A I guess I come back--I come back I think the same year I went in--I would have come back right away, would have come back sooner than I did if it had not been on account of sickness.
Q Now, did you come back before or after '80? A I was in Texas in '80.
Q Were you re-admitted by the Cherokee Council after you come back? A No sir.
Q You never have been re-admitted? A Mr? Ross wrote to me about it and I wrote when I had moved out and when I came back and he wrote that it was no use for me to be re-admitted that I was all right.
Q What did I understand you to say about that money you drew from

the Cherokee Nation-- did you draw the Strip money? A No sir.
Q You didn't draw the Cherokee Strip money? A No sir.
Q Did Angeline draw it? A She was dead, Angeline's daughter drawed it.

By Baugh)

Q You never was recognized by the Cherokee Nation--by the authorities were you? A I thought I was, I carried evidence to the Council.
Q You moved from Mississippi to the Cherokee Nation and never was admitted to citizenship, were you? A I thought I was, I carried evidence to the Council.
Q What did they Council do? A They told me it was all right.
Q Did they ever give you a certificate? A No sir they never, I didn't know anything about that, had no known that way.

(By the Commission)

Q Did Abraham Meeks marry Angeline Crowder? A Yes sir.
Q Where did they marry? A At his house in the Cherokee Nation.
Q Did you see them married? A No sir.
Q How long did they live together as man and wife? A Well it was but a short time, they wasn't married more than three weeks and then she died.
Q Were they regarded as man and wife? A Yes sir.

(By Baugh)

Q Was this Mr. Crowder dead when she married Meeks? A No sir.
Q She was never divorced from Crowder? A No sir.

Martin McDaniel, being first duly sworn by Com'r T. B. Needles testified as follows on the part of the applicant:

(By Mr. Karnegay)

Q State your name? A Martin McDaniel.
Q How old are you? A 36.
Q What is your post office? A Catoosa.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q How? A By blood.
Q Do you know Meek's second wife, Angeline Crowder? A Yes sir.
Q Do you know the fact of her marriage to a man named Crowder? A Yes sir, she was married to Crowder, I saw them married.
Q When did they quit living together as man and wife, or did they quit? A Yes sir, he quit her I think.
Q Do you know when she married Abraham Meeks after that? A Yes sir about a year after.
Q Where was Crowder at the time she and Meeks married? A He was backward and forward from this country to the States.
Q Was he still living? A Yes sir.
Q How long after that was it before he drowned? A A year or more.
Q Were you living near where this Crowder woman was living up to the time she married Abraham Meeks? A Yes sir.
Q How close? A Half a mile apart.
Q Did you ever know of her getting a divorce from Crowder? A No sir.
Q Where was she living at that time? A She was at my house.
Q Where is that? A Whiteoak.
Q How far from here? A Ten miles.
Q In the Cherokee Nation? A Yes sir.

(No questions by the Cherokee Nation)

This will be filed with the papers in the case.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(SIGNED) Chas. van Weise.

Subscribed and sworn to before me this 29th of October, 1901.

(SIGNED) T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1906.

The undersigned, Florine B. Hatch, being duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 27 day of March, 1906.

Edward Merrick
Notary Public

"R"
D 456

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 27, 1902.

In the matter of the application of Abram Meek, for the enrollment of himself and children as citizens of the Cherokee Nation:

Applicant and his attorney were notified by registered letter on February 11, 1902, that the application of Abram Meek for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission on the 27th day of February, 1902.

Receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 27th day of February, 1902, appears by his attorney W. D. Humphrey, representing W. H. Kornegay, of Vinita, I. T.

The Commission: Is there any statement you desire to make Mr. Humphrey?

Mr. Humphrey: The applicant was required to supply the Commission with a certified copy of his marriage license and certificate of marriage to his first wife Barrilla Schrimsher, and also a certified copy of the decree of divorce from said wife.

The Commission: There is offered in evidence a certificate signed by Hamilton Ballentine, a minister of the gospel, certifying that he did, on the 20th day of January, 1874 unite Abraham Meek in marriage to Miss Barrilla Schrimsher. The license and certificate are filed herewith. There is also offered in evidence a certified copy of the marriage record certifying that Abram Meek, a citizen of the United States was licensed to marry Barrilla Schrimsher, a female citizen of the Cherokee Nation on the 10th day of January, 1874. This document is also filed. There is offered in evidence a certified copy of the decree of divorce between Lillie Meeks and Abram Meeks granted in the United States Court for the Indian Territory, Northern District, at Vinita, October term, 1899. The same is filed.

Mr. Humphrey: In this case the applicant Abram Meek bases his right to enrollment upon the citizenship acquired by marriage to the said Lillie Schrimsher who was an Indian woman by blood, said marriage being entered into in accordance with the laws of the Cherokee Nation, and the applicant does not believe that he forfeited his citizenship by his marriage to the Mrs. Crowder referred to in the evidence in this case, for the reason that at the time of the marriage of this applicant to the said Mrs. Crowder Mrs. Crowder had aliving husband from whom she had not been divorced. Such being the case the reputed marriage was a nullity.

Mr. Hastings: The Cherokee Nation contends that this man's marriage to his second wife forfeited his citizenship under section 666 of the Compiled Laws of the Cherokee Nation, (1892).

Mr. Humphrey: The contention of the attorney for the Cherokee Nation would be proper if the said marriage were valid, but as the said Mrs. Crowder had a living husband from whom she had not been divorced she could not contract with and enter into a valid marriage at that time.

Mr. Hastings: This man treated this marriage as a valid marriage; he recognized it as such; he held this woman out to the world as his wife, and treated her as such and never repudiated her as shown by the testimony.

Mr. Humphrey: If he did hold her out as his wife, if, under the law the marriage was invalid, such marriage could effect in no way the property rights of either party to such marriage. The marriage was a nullity--was absolutely void, and changed the status of neither party to said marriage.

Mr. Hastings: This man had no property rights within the Cherokee Nation other than that acquired through his citizenship, and the moment his citizenship rights were forfeited, that moment his property rights vanished. He never had any per se.

Mr. Humphrey: But the marriage being invalid his rights to citizenship were never forfeited.

Mr. Hastings: He never recognized it as an invalid marriage, but continued to live with the woman and treated her as his wife.

Mr. Humphrey: What he did or did not do neither makes nor unmakes the law. Under the law a party having a spouse still living from which said party has had no divorce, such a party cannot enter into a valid marriage.

Mr. Hastings: This man did all he could to validate the marriage, and recognized it as such, and therefore he is estopped now from saying it is invalid.

Mr. Humphrey: The law of estoppel has no application to this case. The marriage was not only voidable, but was absolutely void, and can be attacked either collaterally or directly anywhere and in any tribunal.

Mr. Hastigs: The Cherokee Nation is not attacking this marriage, but simply recognizes the marriage. His testimony shows that it was entered into in good faith by this man, and that he forfeited his citizenship, and that if he lost his citizenship he cannot be heard now to complain.

Mr. Humphrey: The contention of the attorney for the Cherokee Nation is incorrect, being based upon the ground that the applicant herein really forfeited his citizenship, which was not the case.

Mr. Hastings: It makes no difference whether this marriage was a legal marriage or not, he took up this woman and lived with her, and held her out as his wife, and it was a common law marriage, and one that would forfeit his citizenship.

Mr. Humphrey: Which the applicant denies.

The Commission: The attorney for the applicant and the representative of the Cherokee Nation present submit this case, and the same is ordered closed and reported to the Commission for final decision based upon the evidence now of record.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

(SIGNED) E. C. Bagwell.

Subscribed and sworn to before me this February 28, 1902.

(SIGNED) T. B. Needles.
Commissioner.

::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., Mardh 26, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Subscribed and sworn to before me this 27 day of March, 1903.

Florine B. Hatch

Edward Meyer
Notary Public.

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, July 9th, 1902.

In the matter of the application of Abram Meek for the enrollment of himself as a citizen by intermarriage of the Cherokee nation and for the enrollment of his two children Myrtle E. Meek and Ethel R. Meek as citizens by blood of the Cherokee nation.

Appearances:
Applicant appears in person.
Cherokee nation by W. W. Hastings.

Supplemental to D-456.

ABRAM MEEK, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name? A Abram Meek.
Q. What is your post office address? A Vinita, Indian Territory.
Q. Are you an applicant before the Commission for enrollment as a citizen by intermarriage and for the enrollment of your children as citizens by blood of the Cherokee nation? A Yes, sir.
Q. When did you come to the Cherokee nation the first time?
A. 1869.
Q. How long did you continue to reside there? A From then until the present.
Q. Have you been residing in the Cherokee nation continuously since 1869? A. Yes, sir. That is I have been out a few times but I lived there; had my home there.
Q. How long and for what purpose were you out? A I was out once into Oklahoma about four weeks.
Q. How long ago was that? A That is about 10 years ago.
Q. When was the next time you were out? A. I have never beem out only may be a day, I don't think a day at a time; may be accross the state line into Kansas. My family wasn't with me in Oklahoma, just myself.
Q. Where were your children born? A. Born in the Cherokee nation.
Q. Have they ever been out of the Cherokee nation for the purpose of making a home since their birth? A. No, sir.
Q. Are they living here at the present time? A. Yes, sir.
Q. Has your wife always live in the Cherokee nation since your marriage? A. My last wife?
Q. Yes. Lillie Meek. A. Yes, sir; she has never lived out any.
Q. When were you married to her? A. 1889, I believe.

This testimony will also be filed with and made a part of the record in Cherokee case #3632.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(SIGNED) Jesse O. Carr.

(SEAL)
Subscribed and sworn to before me this 16 day of July, 1902.

(SIGNED) P. G. Reuter,
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of Abram Meek for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his children Myrtle E. and Ethel R. Meek as citizens by blood of the Cherokee Nation.

Supplemental to D-456.

Appearances:
Applicant appears in person.
Cherokee Nation by J. C. Starr.

ABRAM MEEK, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Abram Meek.
Q. Got any middle name? A. No, sir.
Q. What is your age at this time? A. 51.
Q. What is your post office? A. Vinita.
Q. Are you the same Abram Meek who applied to this Commission for enrollment as an intermarried citizen on September 22nd, 1900?
A. Yes, sir.
Q. What was your wife's name; your Cherokee wife? A. Lillie. My first wife?
Q. I want your Cherokee wife first? A. Alta Barrilla.
Q. Was Alta Barrilla her maiden name? A. Alta B. Schrimp, was her maiden name.
Q. Was she your first wife? A. Yes, sir.
Q. Were you her first husband? A. Yes, sir.
Q. Neither one been married prior to your marriage to each other?
A. No, sir.
Q. When were you married to her? A. 1874.
Q. Is she living or dead? A. She is dead.
Q. When did she die? A. In 1885, I think.
Q. Were you married to her under a Cherokee license? A. Yes, sir.
Q. Have you filed it with the Commission--when you made the original application?
A. My attorney filed it. My license was destroyed when my house burned. He said he got a copy of it.
Q. Did you and she live together from the time of your marriage as husband and wife until her death? A. Yes, sir.
Q. You never was separated during her life time? A. No, sir.
Q. Since the death of your first wife have you married again?
A. Yes, sir.
Q. What is your second wife's name? A. Her name was Angeline Crowder.
Q. Was she a Cherokee or white woman? A. She claimed to be a Cherokee by blood.
Q. When were you married to her? A. Married in 1887.
Q. Is she living or dead? A. She is dead.
Q. When did she die? A. In 1887.
Q. Died shortly after you were married? A. Three weeks.
Q. What was her father's name? A. I don't know?
Q. Do you know what her mother's name was? A. I know what her mother's name was at that time. I don't know her maiden name. Her mother's name was Moore.
Q. Had your second wife been married before she married you?
A. Yes, sir.
Q. What was her husband's name? A. She first married a man by

the name of Parris. I don't know his given name.
Q. Then she married a man by the name of Crowder? A. Yes, sir.
Q. Was Parris dead? A. I don't know.
Q. Was Crowder dead? A. No, sir.
Q. Had she been divorced from Crowder? A. She said so.
Q. You don't know whether she was a recognized citizen of the Cherokee Nation or not, do you? A. I don't.
Q. Do you know what her maiden name was, second wife's maiden name? Before she was ever married? A. No, sir; I don't recollect that but I think it was Moore but I am not positive. Her mother's name was Moore at the time. I think that was her maiden name.
Q. After your second wife died did you marry again? A. Yes, sir.
Q. What was your third wife's name? A Lillie Downing.
Q. Is she living? A. Yes, sir.
Q. When did you marry her? A. Married her in 1889.
Q. Had she ever been married prior to her marriage to you?
A. No, sir.
Q. You are her first husband? A. Yes, sir.
Q.. She is your third wife, is she? A. Yes, sir.
Q. Have you and she lived together since your marriage in 1889 up to the present time? A. No, sir.
Q. Separated? A.. Yes, sir.
Q.. When did you separate? A. About 5 years ago.
Q. Have you procured a divorce from her? A. Yes, sir.
Q. Who applied for the divorce, your or she? A. She did.
Q. What court? A. Federal court of the Cherokee Nation at Vinita.
Q. Do you know what grounds she obtained the divorce on?
A. I got the divorce.
Q. I thought you said she applied? A. She applied and then I-----
Q. You went in and fought it and got the divorce? A. Yes, sir.
Q. What grounds did you get the divorce on? A. On her conduct.
Q. Where were you living when you separated? A. In Cooweescoowee on the head of Big creek.
Q. In the country on a farm? A. Yes, sir.
Q. When you separated who stayed on the place, you or her?
A. She left me on the place first and then I left the place and went to another place.
Q. Did she go back to the place you were both living one?
A. Yes, sir.
Q. Did you leave her in the first place? A. No, sir.
Q. She left you? A. Yes, sir.
Q. What did she do, just go without any cause? A. Not any cause that I know of.
Q. Never made any complaint to you about your treatment?
A. Yes, sir; she had made complaints. She left some six or seven times before but stayed a week or two and come back. One time she stayed five or six months.
Q. But came back? A.. Yes, sir.
Q. Did you make any appeal to her to come back and live with you?
A. Yes, sir.
Q. Wouldn't she come back? A. No, sir.
Q. Have you married any more since your marriage to your third wife? A. No, sir.
Q. Still a single man, are you? A. Yes, sir.
Q. Were you living as a single man on the first of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I have lived in the Cherokee Nation since October, 1869.
Q. Never lived any where else since then? A. No, sir.
Q. Always lived in the Cherokee Nation since 1869 up to the present time? A. Yes, sir.
Q. Are these your children, Myrtle E. and Ethel R. A. Yes, sir.

Q. What is their mother's name? A. Her name now?
Q. No. A. Her name was Lillie Meek.
Q. These are your children by your last wife, are they?
A. Yes, sir.
Q. Are they living with you? A. Yes, sir. Their home is with me. The oldest is at the Tahlequah school.
Q. They have always lived in the Cherokee Nation, have they?
A. Yes, sir.
Q. Never lived any where else? A. No, sir.

Examination by Mr. Starr.

Q. Where were you living when this last separation took place?
A. Living on the head of Big creek.
Q. Who were your neighbors? A. My nearest neighbor was a man by the name of Delp.
Q. Where did your wife go to? A. Edny, Kansas.
Q. Whose place did she go to? A. Her mother's.
Q. Her mother lived at Edny, Kansas, at that time?
A. Yes, sir.
Q. How long did she stay up there? A. The last time that she left me?
Q. Yes. A. About a month and ahalf.
Q. Then where did she go? A. She went back to the place. Same place where she left me.
Q. Were you living there when she came back? A. Yes, sir.
Q. Did she take possession of the place and control it?
A. Yes, sir.

Examination by the Commission:

Q. Mr. Meek, your second wife you say you don't know whether she was a citizen or not?
A. I don't know positively whether she was or not.
Q. Have you got any witnesses that knew her as a girl before she was ever married? A. I had her mother.
Q. Has her mother already testified in this case? A. Yes, sir; and her brother in law.
Q. They were people who identified her as a citizen by blood? A. I think so.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(SIGNED) Jesse O. Carr.

Subscribed and sworn to before me this 14th day of October, 1902.

(SIGNED) B. C. Jones.
Notary Public.
(SEAL)

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Subscribed and sworn to before me this 27 day of March, 1903.

Florine B. Hatch

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 28 1902

This is to certify that by me that Abram Meeks, a citizen of the U.S.A. was licensed to marry Berillar, Scrimpsher, a female Cherokee of this Nation. License issued Jan'y 10th 1874 licensed returned it being in accordance with an act passed by the National Council bearing date Oct 15th 1855 in regard to white men intermarriage in this Nation.

Given under my hand Jan'y 10th 1874.

S.N.Melton, clerk,
of District Court
in Del De C.N.

Executive Office Cherokee Nation,

Tahlequah, Ind.Ter.

I, B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy of all the marriage record of Delaware District show in reference to said marriage, and same is copied from said marriage record, now filed in this Office by law and is in my legal custody.

Given under my hand & the seal of the Cherokee Nation this the 22nd day of February 1902.

B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

Cherokee D 456.

What, therefore, God hath joined together, let not man put asunder.

It is not good that man should be alone.
Gen. 2-18

I will make him an help meet for him.

Gen. 2-18.

THIS CERTIFIES

That Mr. Abram Meek and Miss Berilla Schrimsher,
of Vandalia Fayette County Illinois. of Coeweskowe District Cherokee Nation.

Were united in HOLY MATRIMONY

According to the Ordinance of God and the laws of the Cherokee Nation at Pleasant Hill on the Twentieth day of January in the year of Our Lord, One Thousand Eight hundred and Seventy four.

Witnesses (Anna H. Balentine.
J.A.A.Balentine.

Hamilton Balentine
Officiating Clergyman.

Marriage is honorable in all.
Heb. 13. 4

I, the undersigned as stenographer to the Commission to the Five Civilized Tribes, do certify that the above is a full and correct copy of the certificate on file in this office.

(SIGNED) Ella Mielenz.

::::::::::::::::::::::::::::::::::::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T/, March 26, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 27 day of March, 1903.

Edward Merrick
Notary Public.

No. 1. _____ D 456.

Lillie Meeks, Pltf

-vs-

Abraham Meeks, Deft

Abraham Meeks Cross Complaint, Pltf

-vs-

Lillie Meeks Deft

Copy Decree

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 28 1902

Lilli Leeks, Plaintiff

vs.

Abraham Leeks, Defendant

Abraham Leeks Cross plaintiff

vs.

Lillie Leeks, Defendant.

In the United States Court in the Indian Territory, Northern District at Vinita, October Term, 1899.

Decree.

On this second day of November 1899 comes on for consideration and the rendition of a decree in this cause the same having been taken under advisement by the presiding judge at the last term of this court, came by the Hon. John R. Thomas, and the parties plaintiff by her solicitor J. F. Davenport and the defendant and cross complainant by his solicitor W. A. Cornegay, and after considering all the matters and things set forth in the pleadings, the evidence and the master's report, the court doth find that the facts are sufficient to entitle the cross complainant Abraham Leeks to a divorce from the plaintiff and that he is entitled to the custody of the minor children namely Myrtle Leeks and Ethel Leeks. It is therefore considered ordered decreed and adjudged that the bonds of matrimony heretofore existing between the cross complainant Abraham Leeks and the plaintiff Lilli Leeks be dissolved and that the custody of the minor children Myrtle Leeks and Ethel Leeks be awarded to Abraham Leeks the cross complainant. It is further ordered and decreed that the plaintiff Lilli Leeks shall be allowed visit the said children at all proper times, and that Abraham Leeks permit her so to do. It is further ordered that neither party recover any costs herein of the other, ~~and that the costs of the~~ and that on behalf the master's fee if not already paid be paid by each party.

John R. Thomas
the judgment.

I hereby certify the above to be a true copy of an order made in the above entitled cause and entered of record in the Court on Nov 3, 1899.
Jas T. Ellis Clerk
By E. Reed Deputy

Cherokee D 456
Lillian Meeks, Plaintiff,

vs.
Abraham Meeks, Defendant,

Abrham Meeks Cross plaintiff
vs.
Lillie Meeks, Defendant.

In the United States Court in the Indian Territory, Northern District at Vinita, October Term, 1899.

Decree.

On this second day of November 1899 comes on for consideration and the rendition of a decree in this cause the same having been taken under advisement by the presiding judge at the last term of this court, named by the Hon. John R. Thomas, and the parties plaintiff by her solicitor Mr. J. S. Davenport and the defendant and cross complainant by his solicitor W. H. Kornegay, and after considering all the matters and things set forth in the pleadings, the evidence and the master's report, the court doth find that the facts are sufficient to entitle the cross complainant Abraham Meeks to a divorce from the plaintiff and that he is entitled to the custody of the minor children namely Myrtle Meeks and Ethel Meeks. It is therefore considered ordered decreed and adjudged that the bonds of matrimony heretofore existing between the cross complainant Abraham Meeks and the plaintiff Lilli Meeks be dissolved and that the custody of the minor children Myrtle Meeks and Ethel Meeks be awarded to Abraham Meeks the cross complainant. It is further ordered and decreed that the plaintiff Lilli Meeks shall be allowed to visit the said children at all proper times, and that Abraham Meeks permit her so to do. It is further ordered that neither party recover any costs herein of the other, and that one half the master's fee if not already paid be paid by each party.

John R. Thomas.

I hereby certify the above to be a true copy of the judgment made in the above entitled cause and entered of record in this court on Nov. 3, 1899.

Jas. A. Winston, Clerk.
By J. C. Anderson, De. C.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, [illegible] certify that the above is a full and correct copy of the copy on file in this office.

(SIGNED) Ella Mielenz.

::::::::::::::::::::::::::::::::::::::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch

Subscribed and sworn to before me this 27 day of March, 1903.

Edward Merrick
Notary Public.

Cherokee D 456.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, January 6, 1903.

F.P.T.

--oOo--

In the matter of the application for the enrollment of Abram Meek et al as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

An examination of the 1894 Cherokee strip payment roll shows that the applicant, Myrtle E. Meek, is identified thereon at page 250, Cooweescoowee District, No. 2897, as Myrtle Meeks.

It is ordered that this statement be made a part of the record in this case.

(SIGNED) T. B. Needles.

Commissioner.

::::::::::::::::::::::::::::::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 26, 1903.

The undersigned, Florine B. Hatch, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing transcript, and that the same is a true and complete copy of the original now on file with said Commission.

Florine B. Hatch.

Subscribed and sworn to before me this 27 day of March, 1903.

Edward Merrick
Notary Public.

Cherokee D-456.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myrtle E. Meek and Ethel R. Meek as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 27, 1900, Abram Meek appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of his minor children, Myrtle E. Meek and Ethel R. Meek, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 2, and October 21, 1900, and at Muskogee, Indian Territory, on February 27, July 9, and September 30, 1902. The application included other parties, but they are not embraced in this decision.

The evidence shows that the applicants herein are the children of Abram Meek, a white man, and his wife, Lillie Jones, a citizen by blood of the Cherokee Nation and identified on the Cherokee authenticated roll of 1880. Myrtle E. Meek is identified on the Cherokee strip payment roll of 1894; Ethel R. Meek is identified by a birth affidavit made a part of the record herein.

The evidence further shows that the said Myrtle E. and Ethel R. Meek were born and have always resided in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Myrtle E. Meek and Ethel R. Meek should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

W E Hanney
Commissioner.

Dated at Muskogee, I. T.,
this JUN 1 - 1903

C.F.B. Cherokee D. 456

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. JANUARY 5, 1907.

In the matter of the application for the enrollment of Abram Meek as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant appears in person.

Abram Meek, being first duly sworn by J. E. Tidwell, notary public, testified as follows:

Q. What is your name? A. Abram Meek.
Q. What is your age? A. Fifty-five
Q. What is your postoffice address? A. Vinita.
Q. You claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, do you? A. Yes sir.
Q. You have no Cherokee blood? A. No sir.
Q. Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen of the Cherokee Nation? A. Yes sir.
Q. What is the name of the citizen through whom you claim that right? A. Her maiden name was Alta Berrilla Schrimsher.
Q. Is she living or dead? A. She is dead.
Q. When did you marry her? A. I married her on the 20th of January, 1874.
Q. Was she a recognized citizen of the Cherokee Nation at the time you married her? A. Yes sir.
Q. Living in the Cherokee country, was she? A. Yes sir.
Q. Did you marry her in accordance with the law of the Cherokee Nation? A. Yes sir.
Q. In what district did you secure your license? A. Delaware District.
Q. The license, then, was issued in Delaware District in 1874 was it? A. The license, I think, was issued in '73.
Q. Who married you? A. James Valentine.
Q. Who was James Valentine? A. He was the Missionary Minister
Q. When did your wife die? A. She died 1884.
Q. Did you and she continuously live together as husband and wife from the time of your marriage until the time of her death?
A. Yes sir.
Q. And lived in the Cherokee Nation, did you? A. Yes sir.
Q. Were you ever married prior to your marriage to her? A. No sir.
Q. Was she ever married before she married you? A. No sir.
Q. Since her death have you remarried? A. Yes sir.
Q. When did you marry your second wife? A. In '86.
Q. Is she living? A. No sir.
Q. What was her name? A. Her name was Angeline Crowder.
Q. She is dead is she? A. Yes sir.
Q. Was she a Cherokee by blood? A. Yes sir, she was a Cherokee by blood.
Q. What was the name of her father? A. I do not know.
Q. What was her mother's name? A. Her name was Nancy Moore.
Q. When did you say your second wife died? A. She died in '86.
Q. '86? A. Yes sir.
Q. You and she continuously lived together as husband and wife from the time of your marriage to her until the time of her death, did you? A. Yes sir.
Q. Have you married since the death of your second wife? A. Yes sir.

Q. Is the woman that you married subsequent to the death of your second wife, living at this time? A. Yes sir, she is living.
Q. What is her name? A. Her first name?
Q. Yes, her name now? A. Her name is Miller, now, Lillie Miller.
Q. What was her maiden name? A. Lillie Deney.
Q. When did you marry her? A. 1887.
Q. Is she a Cherokee by blood? A. Yes sir.
Q. On the final roll is she? A. Yes sir.
Q. Are you and she living together as husband and wife at the present time? A. No sir.
Q. When did you separate? A. Six or seven years ago, I think.
Q. You lived together from the time of your marriage until about seven years ago? A. Yes sir.
Q: What was the cause of the separation? A. I can't tell now. She just got up and left.
Q. She left you did she? A. Yes sir.
Q. Did you own a home at the time she left you? A. Yes sir.
Q. And you lived in your home after she left did you? A. Yes sir.
Q. Did she give you a reason for leaving you? A. No particular reason. I had got broke and she thought I couldn't make money enough to keep her up.
Q. She became dissatisfied, did she and left you? A. Yes sir.
Q. Did you give her any cause for leaving you? A. No sir.
Q. Did you want her to leave you? A. No sir.
Q. She left of her own free will then? A. Yes sir.
Q. What did you say her name is at the present time? A. Miller, Lillie Miller.
Q. Do you know where she resides? A. Yes sir, she lives on Big Creek, ten miles south of Edna, Kansas.
Q. You have some children by her who are on the final roll, have you not? A. Yes sir.
Q. Have you any documentary evidence showing your marriage to your first wife? A. I haven's any in my possession, only what I have filed with the Commission.
Q. Have you filed with the Commission a marriage license and certificate showing your marriage to your first wife? A. Yes sir, I deposited a marriage certificate, and my license had been burned. Afterwards I had my attorney get a duplicate off of the clerk's book. He reported to me that he filed it with the Commission.

BY MR. H. M. VANCE:

Q. Did you live with your first wife from the time of your marriage in '74 continuously as husband and wife until the time of her death in '84? A. Yes sir.
Q. Have you and your former wife, who is now Lillie Miller, been divorced? A. Yes sir.
Q. Who applied for the divorce? A. She applied for it.
Q. On what grounds? A. I don't know that I can hardly say. She filed about four or five complaints, I think.
Q. She secured the divorce, did she? A. No sir, I secured the divorce.
Q. You say she applied for it? A. Yes sir she applied for it
Q. And the divorce was granted? A. Yes sir.
Q. In what court was the divorce granted? A. In the Federal Court at Vinita.

Cherokee D.--456--#3

Q. Have you remarried since you and Lillie Miller were separated?
A. No sir.

ON BEHALF OF THE COMMISSIONER:

Q. Did you appear against your wife, Lillie Meek, when she applied for a divorce from you? A. Yes sir.
Q. What action did you take at that time. Did you attempt to prevent a divorce being granted? A. We did at the first time, my attorney did.
Q. What did you do after that? A. He filed an action against it. Then filed an action for the custody of the child.
Q. He filed an action on your behalf for a divorce from your wife, and for you to have the custody of the child? A. Yes sir.
Q. Was that granted by the court? A. Yes sir.
Q. Did you secure the custody of the child? A. Yes sir.
Q. So your petition for a divorce was granted, and not hers?
A. It's pretty hard for me to answer that question as to how it was granted, because it was all carried on at one time in the court. The decision of the court, I recollect part of the time had her as plaintiff and me as defendant, and part of the time I was plaintiff and she was defendant, and so it's hard for me to tell that now. I filed that divorce with the Commission.
Q. That decree of divorce is on file at this office, is it?
A. Yes sir.

BY MR. H. M. VANCE:

Q. Do you mean to swear under oath that your first wife had not been formerly married to a man by the name of James Duncan?
A. Yes sir.
Q. She is not living with a man by the name of James Duncan as husband and wife? A. No sir.
Q. Did either of your wives ever live with James Duncan? A. Not to my knowledge.
Q. Did your wife have a sister by the name of Cynthia Ann?
A. No sir, She had three or four sisters.
Q. How old was Berrilla Schrimsher when you married her? A. She was eighteen.

ON BEHALF OF THE COMMISSIONER:

Q. Your residence has been ontinuously in the Cherokee Nation since your marriage to your first wife, has it? A. Yes sir.

The applicant, Abram Meek, is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 1797.

Mattie M. Pace, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the proceedings had in the above entitled cause, and that the same is a full, true and correct transcript of her stenographic notes thereof.

Mattie M. Pace

Subscribed and sworn to before me this January 6, 1907.

John E. Tidwell
Notary Public.

T.W.L. Cherokee D- 456

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Abram Meek as a citizen by intermarriage of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 27,1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Abram Meek as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 2,1900 and October 21,1901; at Muskogee, Indian Territory, February 27,1902, July 9, 1902, September 30, 1902 and January 5, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Abram Meek, a white man, was on January 20,1874, in accordance with the tribal law of the Cherokee Nation, married to one Alta Barilla Meek, nee Shrimsher, since deceased, who was at the time of said marriage, a citizen by blood of the Cherokee Nation; that from the time of said marriage until the death of the said Alta Barilla Meek, which occurred in 1885 or 1886, the said Abram Meek and the said Alta Barilla Meek resided together as husband and wife and continuously lived together in the Cherokee Nation; that said applicant in 1886 married one Angeline Crowder, an alleged Cherokee, who had been married twice previous to said marriage; that one of her said husbandsfrom whom she had not been divorced was living at the time of the marriage of the said Abram Meek and the said Angeline Crowder; that from the time of said marriage until the death of the said Angeline Crowder, which occurred about three weeks after her marriage to the said Abram Meek, the said Abram Meek and the said Angeline Crowder resided together as husband and wife and continuously lived in the Cherokee Nation;

In the matter of the application of Sarah Hines for enrollment as a citizen by intermarriage of the Cherokee Nation it was held by the Department that she did not, by reason of her marriage to one Joe Hines, an intermarried Cherokee applicant, while her Indian spouse was living, forfeit her right to enrollment.(I.T.D. 4017-1902).

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That in 1889 said applicant was married to one Lillie Jones, nee Deney or Dennie, enrolled as Lillie Miller, her name being found opposite No. 9542 upon the approved partial roll of citizens by blood of the Cherokee Nation, with whom said applicant resided until said applicant was deserted by the said Lillie Miller; that on November 2,1899, the said Abram Meek obtained a decree of divorce from the said Lillie Miller in the United States Court for the Northern Judicial District of Indian Territory; that since the separation of the said Abram Meek and the said Lillie Meek, the said Abram Meek has remained unmarried and has continuously resided in the Cherokee Nation since 1869. Said applicant is identified on the Cherokee authenticated

tribal roll of 1880 and the Cherokee census roll of 1896 as a citizen by intermarriage of the Cherokee Nation. The said Alta Barilla Meek and the said Lillie Miller are identified upon the Cherokee tribal roll of 1880, Cooweescoowee District, the former at page 136, No. 1798 as Barilla Meek, and the latter at page 178, No. 2726, as Mattie Stringer, each as a native Cherokee.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5,1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant Abram Meek, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 15 1907

32 dW 173

IN RE
THE DEATH OF
Abram Fuck
A CITIZEN OF THE
Cherokee Nation

Approved June 12 1907

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
CHEROKEE LAND OFFICE,
FILED

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Abram Meek
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near Vinita (Here insert name of post office) Ind. Ter., and died on the 16 day of April, 1907

AFFIDAVIT OF RELATIVE

Western District
Ind. Ter.

I, W. A. Meek, on oath state that I am 26 years of age and a citizen, by blood, of the Cherokee Nation; that my postoffice address is Vinita (Here insert name of postoffice) Ind. Ter.; that I am Son (State relationship: as the father; an uncle; a cousin, etc.) of Abram Meek (Here insert name of deceased) who was a citizen, by intermarriage, of the Cherokee Nation and that said Abram Meek (Here insert name of deceased) died on the 16 day of April, 1907

WITNESSES TO MARK:

W. A. Meek

(Must Be Two Witnesses)

Subscribed and sworn to before me this 13th day of June, 1907

Walter W. Harrell
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

Western District
Ind. Ter.

I, Henry J. Ward, on oath state that I am 45 years of age, and a citizen by blood of the Cherokee Nation; that my postoffice address is Muskogee (Here insert name of postoffice), Ind. Ter.; that I was personally acquainted with Abram Meek (Here insert name of deceased) who was a citizen, by Intermarriage of the Cherokee Nation; and that said Abram Meek (Here insert name of deceased) died on ~~the~~ or about 16 day of April, 1907

Henry J. Ward.

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this 13th day of June, 1907

Walter W. Harrell
Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 31, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Abram Meek et al. for enrollment as citizens of the Cherokee Nation.

W H Koonce.

Attorney for applicant.

D - 456.

D.456

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 18 1902

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902

Mr. Abram Meek,

Vinita, Indian Territory,

Sir:-

You are hereby notified that the application of yourself and two minor children for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 27th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certified copy of marriage license and certificate to your first wife, Barilla Schrimsher; also certified copy of decree of divorce from your wife Lillie required.

Copy [redacted] H. Kornegay,
Vinita, I.T.

Yours truly,

Cherokee D-456
Register.

Acting Chairman.

Cherokee D 424

Muskogee, Indian Territory, June 24, 1902.

Mr. Abram Meek,

Vinita, Indian Territory.

Sir:

In the matter of the application for the enrollment of yours self and children, Myrtle M., and Ethel B. Meek, as citizens of the Cherokee Nation, further evidence regarding the residence of yours self and said children in the Cherokee Nation is important.

You are required to appear before the Commission at its office in Muskogee, Indian Territory, on or before July 9, 1902, and submit evidence on this point.

Yours truly,

Commissioner in Charge.

Registar.

Muskogee, Indian Territory, November 14, 1902.

Abram Meek,

Vinita, Indian Territory.

Dear Sir:-

When you applied to this Commission for the enrollment of yourself and your family as citizens of the Cherokee Nation, you were required to furnish the Commission with properly executed affidavit as to the birth of your child, Ethel R. Meek. Such affidavit has not yet been filed with the Commission.

You are requested to have same executed and forward to the Commission at the earliest possible date as until this affidavit is received, the application for the enrollment of yourself and family cannot receive further consideration.

Respectfully,

Acting Chairman.

Cherokee D-438

Muskogee, Indian Territory, December 20, 1902.

Lillie Miller,

Edna, Kansas.

Dear Madam:-

In further reply to your letter of November 25, relative to the enrollment, as citizens of the Cherokee Nation, of your two children, Myrtle E. and Ethel R. Meek, you are advised that the application for the enrollment of these children will not be complete until the Commission has been supplied with properly executed birth affidavits.

There are enclosed you herewith blank forms, which you are requested to have properly executed and forward to the Commission at the earliest possible date.

Respectfully,

Commissioner in Charge.

Enc. 2 B.C.

Cherokee 456

Vinita, Indian Territory, January 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to the list of Cherokee cases held for further testimony, transmitted to this office with the Commission's recent letter, the following note appears thereon as to case D 456, Abram Meek, et al., "Birth affidavit as to Ethel R., required."

On January 3, 1903, there was received at this office affidavits as to the births of Myrtle E. and Ethel R. Meek. These affidavits were forwarded to the Commission at Muskogee for approval and have not yet been returned to this office.

The record and decision forwarded to this office in Cherokee case D 456, are returned herewith and the affidavits in question will be forwarded to the Commission as soon as they are returned to this office.

Respectfully,

Clerk in Charge.

Encl-8-1

GMS

Cherokee D-155.

Vinita, Indian Territory, February 6, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There are enclosed herewith birth affidavits in the matter of the application for the enrollment of Myrtle E. and Ethel E. Keck, as citizens of the Cherokee Nation.

The original record in this case is in the office at Muskogee.

Respectfully,

Clerk in Charge.

Encl. P-110.
KP

n Tahlequah, Indian Territory, September 10, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original cards and jackets in Cherokee cases:

D- 82	D- 648
D- 103	D- 788
D- 169	D-1029
D- 262	D-1049
D- 456	D-1146.

The Commission has heretofore rendered decisions granting the applications of some of the applicants in each case. The applicants embraced in the Commission's decisions have been transferred as shown by notes on the cards, and the original cards and jackets are returned herewith for the preparation of decisions as to the remaining applicants.

Respectfully,

Clerk in Charge,
Cherokee Land Office.

Encl-S-35
GRS

Cherokee
D 456

Muskogee, Indian Territory, February 15, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting the application for the enrollment of Abram Meek as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H6
JMH

Cherokee D 456

Muskogee, Indian Territory, February 15, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Abram Meek as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

10985

Cherokee D 456

Muskogee, Indian Territory, February 15, 1907.

Abram Meek,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 15, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Encl.H-7
JMH

Commissioner.

Cherokee
I.W.193

Muskogee, Indian Territory, April 16, 1907.

Abram Meek,

Vinita, Indian Territory.

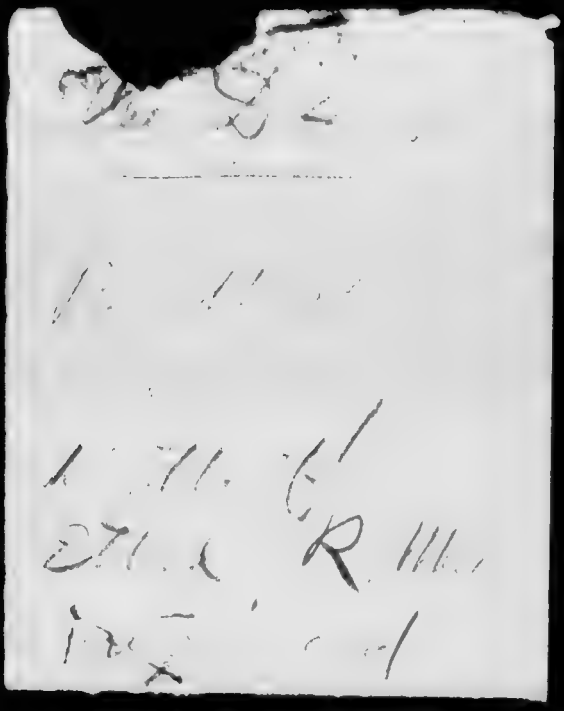
Dear Sir:

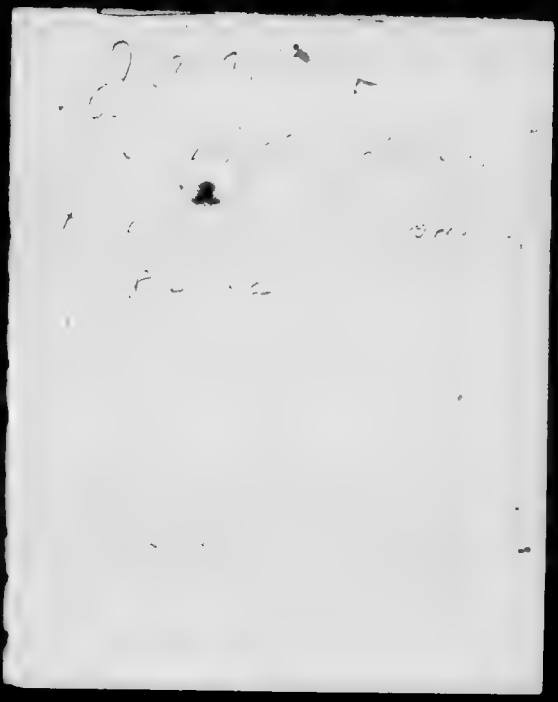
Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl. W-19.
S.W.

Commissioner.





Cher IW 194

Cher IW 194

E.O.M.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

WILLIAM CROWDER

As a citizen by intermarriage of the Cherokee Nation.

CHEROKEE NO.231.

Q Have you any other information which you think may be helpful to us in this inquiry?

A Yes, I have. I have a letter from Lot 28, Block 128, Number 288, Quebec Street, Kitchener, Ontario, addressed to the Commission, which I would like to read.

Q Do you have that letter with you?

A Yes.

Q Would you read it, please?

A It reads as follows:

"Kitchener, Ont.
Lot 28, Block 128
Number 288
Quebec Street
Kitchener, Ontario

Gentlemen:

I am a Polish Canadian who was in the Polish Army during the last war. I was a member of the Polish Underground Army and was wounded in the battle for Warsaw. I was then sent to a German concentration camp and was liberated by the Russians. I was then sent to a Polish Army camp in Russia and was then sent to Persia and then to Palestine. I was then sent to Egypt and then to Italy where I was wounded again. I was then sent to Poland and then to Germany where I was wounded for the third time. I was then sent to Canada where I was wounded for the fourth time. I was then sent to Holland where I was wounded for the fifth time. I was then sent to Belgium where I was wounded for the sixth time. I was then sent to Germany where I was wounded for the seventh time. I was then sent to Canada where I was wounded for the eighth time. I was then sent to Holland where I was wounded for the ninth time. I was then sent to Belgium where I was wounded for the tenth time. I was then sent to Germany where I was wounded for the eleventh time. I was then sent to Canada where I was wounded for the twelfth time. I was then sent to Holland where I was wounded for the thirteenth time. I was then sent to Belgium where I was wounded for the fourteenth time. I was then sent to Germany where I was wounded for the fifteenth time. I was then sent to Canada where I was wounded for the sixteenth time. I was then sent to Holland where I was wounded for the seventeenth time. I was then sent to Belgium where I was wounded for the eighteenth time. I was then sent to Germany where I was wounded for the nineteenth time. I was then sent to Canada where I was wounded for the twentieth time. I was then sent to Holland where I was wounded for the twenty-first time. I was then sent to Belgium where I was wounded for the twenty-second time. I was then sent to Germany where I was wounded for the twenty-third time. I was then sent to Canada where I was wounded for the twenty-fourth time. I was then sent to Holland where I was wounded for the twenty-fifth time. I was then sent to Belgium where I was wounded for the twenty-sixth time. I was then sent to Germany where I was wounded for the twenty-seventh time. I was then sent to Canada where I was wounded for the twenty-eighth time. I was then sent to Holland where I was wounded for the twenty-ninth time. I was then sent to Belgium where I was wounded for the thirtieth time. I was then sent to Germany where I was wounded for the thirty-first time. I was then sent to Canada where I was wounded for the thirty-second time. I was then sent to Holland where I was wounded for the thirty-third time. I was then sent to Belgium where I was wounded for the thirty-fourth time. I was then sent to Germany where I was wounded for the thirty-fifth time. I was then sent to Canada where I was wounded for the thirty-sixth time. I was then sent to Holland where I was wounded for the thirty-seventh time. I was then sent to Belgium where I was wounded for the thirty-eighth time. I was then sent to Germany where I was wounded for the thirty-ninth time. I was then sent to Canada where I was wounded for the fortieth time. I was then sent to Holland where I was wounded for the forty-first time. I was then sent to Belgium where I was wounded for the forty-second time. I was then sent to Germany where I was wounded for the forty-third time. I was then sent to Canada where I was wounded for the forty-fourth time. I was then sent to Holland where I was wounded for the forty-fifth time. I was then sent to Belgium where I was wounded for the forty-sixth time. I was then sent to Germany where I was wounded for the forty-seventh time. I was then sent to Canada where I was wounded for the forty-eighth time. I was then sent to Holland where I was wounded for the forty-ninth time. I was then sent to Belgium where I was wounded for the fiftieth time. I was then sent to Germany where I was wounded for the fifty-first time. I was then sent to Canada where I was wounded for the fifty-second time. I was then sent to Holland where I was wounded for the fifty-third time. I was then sent to Belgium where I was wounded for the fifty-fourth time. I was then sent to Germany where I was wounded for the fifty-fifth time. I was then sent to Canada where I was wounded for the fifty-sixth time. I was then sent to Holland where I was wounded for the fifty-seventh time. I was then sent to Belgium where I was wounded for the fifty-eighth time. I was then sent to Germany where I was wounded for the fifty-ninth time. I was then sent to Canada where I was wounded for the sixtieth time. I was then sent to Holland where I was wounded for the sixty-first time. I was then sent to Belgium where I was wounded for the sixty-second time. I was then sent to Germany where I was wounded for the sixty-third time. I was then sent to Canada where I was wounded for the sixty-fourth time. I was then sent to Holland where I was wounded for the sixty-fifth time. I was then sent to Belgium where I was wounded for the sixty-sixth time. I was then sent to Germany where I was wounded for the sixty-seventh time. I was then sent to Canada where I was wounded for the sixty-eighth time. I was then sent to Holland where I was wounded for the sixty-ninth time. I was then sent to Belgium where I was wounded for the seventieth time. I was then sent to Germany where I was wounded for the seventy-first time. I was then sent to Canada where I was wounded for the seventy-second time. I was then sent to Holland where I was wounded for the seventy-third time. I was then sent to Belgium where I was wounded for the seventy-fourth time. I was then sent to Germany where I was wounded for the seventy-fifth time. I was then sent to Canada where I was wounded for the seventy-sixth time. I was then sent to Holland where I was wounded for the seventy-seventh time. I was then sent to Belgium where I was wounded for the seventy-eighth time. I was then sent to Germany where I was wounded for the seventy-ninth time. I was then sent to Canada where I was wounded for the eightieth time. I was then sent to Holland where I was wounded for the eighty-first time. I was then sent to Belgium where I was wounded for the eighty-second time. I was then sent to Germany where I was wounded for the eighty-third time. I was then sent to Canada where I was wounded for the eighty-fourth time. I was then sent to Holland where I was wounded for the eighty-fifth time. I was then sent to Belgium where I was wounded for the eighty-sixth time. I was then sent to Germany where I was wounded for the eighty-seventh time. I was then sent to Canada where I was wounded for the eighty-eighth time. I was then sent to Holland where I was wounded for the eighty-ninth time. I was then sent to Belgium where I was wounded for the ninetieth time. I was then sent to Germany where I was wounded for the ninety-first time. I was then sent to Canada where I was wounded for the ninety-second time. I was then sent to Holland where I was wounded for the ninety-third time. I was then sent to Belgium where I was wounded for the ninety-fourth time. I was then sent to Germany where I was wounded for the ninety-fifth time. I was then sent to Canada where I was wounded for the ninety-sixth time. I was then sent to Holland where I was wounded for the ninety-seventh time. I was then sent to Belgium where I was wounded for the ninety-eighth time. I was then sent to Germany where I was wounded for the ninety-ninth time. I was then sent to Canada where I was wounded for the hundredth time. I was then sent to Holland where I was wounded for the hundred-and-first time. I was then sent to Belgium where I was wounded for the hundred-and-second time. I was then sent to Germany where I was wounded for the hundred-and-third time. I was then sent to Canada where I was wounded for the hundred-and-fourth time. I was then sent to Holland where I was wounded for the hundred-and-fifth time. I was then sent to Belgium where I was wounded for the hundred-and-sixth time. I was then sent to Germany where I was wounded for the hundred-and-seventh time. I was then sent to Canada where I was wounded for the hundred-and-eighth time. I was then sent to Holland where I was wounded for the hundred-and-ninth time. I was then sent to Belgium where I was wounded for the hundred-and-tenth time. I was then sent to Germany where I was wounded for the hundred-and-eleventh time. I was then sent to Canada where I was wounded for the hundred-and-twelfth time. I was then sent to Holland where I was wounded for the hundred-and-thirteenth time. I was then sent to Belgium where I was wounded for the hundred-and-fourteenth time. I was then sent to Germany where I was wounded for the hundred-and-fifteenth time. I was then sent to Canada where I was wounded for the hundred-and-sixteenth time. I was then sent to Holland where I was wounded for the hundred-and-seventeenth time. I was then sent to Belgium where I was wounded for the hundred-and-eighteenth time. I was then sent to Germany where I was wounded for the hundred-and-nineteenth time. I was then sent to Canada where I was wounded for the hundred-and-twentieth time. I was then sent to Holland where I was wounded for the hundred-and-twenty-first time. I was then sent to Belgium where I was wounded for the hundred-and-twenty-second time. I was then sent to Germany where I was wounded for the hundred-and-twenty-third time. I was then sent to Canada where I was wounded for the hundred-and-twenty-fourth time. I was then sent to Holland where I was wounded for the hundred-and-twenty-fifth time. I was then sent to Belgium where I was wounded for the hundred-and-twenty-sixth time. I was then sent to Germany where I was wounded for the hundred-and-twenty-seventh time. I was then sent to Canada where I was wounded for the hundred-and-twenty-eighth time. I was then sent to Holland where I was wounded for the hundred-and-twenty-ninth time. I was then sent to Belgium where I was wounded for the hundred-and-thirtieth time. I was then sent to Germany where I was wounded for the hundred-and-thirty-first time. I was then sent to Canada where I was wounded for the hundred-and-thirty-second time. I was then sent to Holland where I was wounded for the hundred-and-thirty-third time. I was then sent to Belgium where I was wounded for the hundred-and-thirty-fourth time. I was then sent to Germany where I was wounded for the hundred-and-thirty-fifth time. I was then sent to Canada where I was wounded for the hundred-and-thirty-sixth time. I was then sent to Holland where I was wounded for the hundred-and-thirty-seventh time. I was then sent to Belgium where I was wounded for the hundred-and-thirty-eighth time. I was then sent to Germany where I was wounded for the hundred-and-thirty-ninth time. I was then sent to Canada where I was wounded for the hundred-and-fortieth time. I was then sent to Holland where I was wounded for the hundred-and-forty-first time. I was then sent to Belgium where I was wounded for the hundred-and-forty-second time. I was then sent to Germany where I was wounded for the hundred-and-forty-third time. I was then sent to Canada where I was wounded for the hundred-and-forty-fourth time. I was then sent to Holland where I was wounded for the hundred-and-forty-fifth time. I was then sent to Belgium where I was wounded for the hundred-and-forty-sixth time. I was then sent to Germany where I was wounded for the hundred-and-forty-seventh time. I was then sent to Canada where I was wounded for the hundred-and-forty-eighth time. I was then sent to Holland where I was wounded for the hundred-and-forty-ninth time. I was then sent to Belgium where I was wounded for the hundred-and-fiftieth time. I was then sent to Germany where I was wounded for the hundred-and-fifty-first time. I was then sent to Canada where I was wounded for the hundred-and-fifty-second time. I was then sent to Holland where I was wounded for the hundred-and-fifty-third time. I was then sent to Belgium where I was wounded for the hundred-and-fifty-fourth time. I was then sent to Germany where I was wounded for the hundred-and-fifty-fifth time. I was then sent to Canada where I was wounded for the hundred-and-fifty-sixth time. I was then sent to Holland where I was wounded for the hundred-and-fifty-seventh time. I was then sent to Belgium where I was wounded for the hundred-and-fifty-eighth time. I was then sent to Germany where I was wounded for the hundred-and-fifty-ninth time. I was then sent to Canada where I was wounded for the hundred-and-sixtieth time. I was then sent to Holland where I was wounded for the hundred-and-sixty-first time. I was then sent to Belgium where I was wounded for the hundred-and-sixty-second time. I was then sent to Germany where I was wounded for the hundred-and-sixty-third time. I was then sent to Canada where I was wounded for the hundred-and-sixty-fourth time. I was then sent to Holland where I was wounded for the hundred-and-sixty-fifth time. I was then sent to Belgium where I was wounded for the hundred-and-sixty-sixth time. I was then sent to Germany where I was wounded for the hundred-and-sixty-seventh time. I was then sent to Canada where I was wounded for the hundred-and-sixty-eighth time. I was then sent to Holland where I was wounded for the hundred-and-sixty-ninth time. I was then sent to Belgium where I was wounded for the hundred-and-seventieth time. I was then sent to Germany where I was wounded for the hundred-and-seventy-first time. I was then sent to Canada where I was wounded for the hundred-and-seventy-second time. I was then sent to Holland where I was wounded for the hundred-and-seventy-third time. I was then sent to Belgium where I was wounded for the hundred-and-seventy-fourth time. I was then sent to Germany where I was wounded for the hundred-and-seventy-fifth time. I was then sent to Canada where I was wounded for the hundred-and-seventy-sixth time. I was then sent to Holland where I was wounded for the hundred-and-seventy-seventh time. I was then sent to Belgium where I was wounded for the hundred-and-seventy-eighth time. I was then sent to Germany where I was wounded for the hundred-and-seventy-ninth time. I was then sent to Canada where I was wounded for the hundred-and-eightieth time. I was then sent to Holland where I was wounded for the hundred-and-eighty-first time. I was then sent to Belgium where I was wounded for the hundred-and-eighty-second time. I was then sent to Germany where I was wounded for the hundred-and-eighty-third time. I was then sent to Canada where I was wounded for the hundred-and-eighty-fourth time. I was then sent to Holland where I was wounded for the hundred-and-eighty-fifth time. I was then sent to Belgium where I was wounded for the hundred-and-eighty-sixth time. I was then sent to Germany where I was wounded for the hundred-and-eighty-seventh time. I was then sent to Canada where I was wounded for the hundred-and-eighty-eighth time. I was then sent to Holland where I was wounded for the hundred-and-eighty-ninth time. I was then sent to Belgium where I was wounded for the hundred-and-ninetieth time. I was then sent to Germany where I was wounded for the hundred-and-ninety-first time. I was then sent to Canada where I was wounded for the hundred-and-ninety-second time. I was then sent to Holland where I was wounded for the hundred-and-ninety-third time. I was then sent to Belgium where I was wounded for the hundred-and-ninety-fourth time. I was then sent to Germany where I was wounded for the hundred-and-ninety-fifth time. I was then sent to Canada where I was wounded for the hundred-and-ninety-sixth time. I was then sent to Holland where I was wounded for the hundred-and-ninety-seventh time. I was then sent to Belgium where I was wounded for the hundred-and-ninety-eighth time. I was then sent to Germany where I was wounded for the hundred-and-ninety-nin

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WESTVILLE, I.T. JULY 16, 1900.

In the matter of the application of William Crowder et als., for enrollment as Cherokee citizens, said Crowder being sworn by Commissioner Needles, testified:

Q What is your name? A William Crowder.
Q How old are you? A I don't know exactly, but I guess about 52.
Q What is your postoffice? A Baptist.
Q Make your residence there? A Yes.
Q How long have you lived in the Cherokee Nation? A About 30 years continuously and have not lived out of it.
Q For whom do you apply for citizenship? A For myself and wife and children.
Q You are not a Cherokee? A No sir.
Q You make application as a Cherokee citizen by intermarriage? A Yes.
Q What is the name of your father? A Nelson Crowder.
Q He is not living? A No sir.
Q Is he on any of the rolls of the Cherokee Nation? A No sir.
Q Does your name appear upon any of the authenticated rols of the Cherokee nation? A Yes, on the roll of 80.
On '80 roll, page 416, number 310;
On '96 roll, page 819, number 37.
Q Did you ever apply to the Cherokee tribal authorities for admission? A No sir.
Q Did you ever apply to the Dawes Commission? A No sir.
Q Are you married? A Yes.
Q Under what law? A Cherokee law.
Q What was your wife's name? A Polly M Foreman.
Q When? A About 30 years ago.
Q Is your wife's name on the roll of '80? A Yes.
Polly Crowder on '80 roll, page 416, number 311, as Mary Crowder.
Polly Crowder on '96 roll, page 732, number 395.
Q How long has your wife lived in the Cherokee Nation? A Born and raised here and never lived out of it.
Q Have you any children under 21 years of age living with you? A Yes.
Q What is the name of the eldest one unmarried and living with you? A William Penn, 15 years old.
On '96 roll, page 732, number 397, Goingsnake District.
On Pay-roll of '94, page 650, number 430.
Q Does he live with you at home now? A Yes.

William Crowder applies to be enrolled and makes application for himself, his wife, Polly, and his child, William Penn. William Crowder is found upon the roll of '80 and also upon the roll of '9 according to number and page as indicated in this testimony. William F. Crowder, his son, is found upon the Census rolls of '96 and also upon the pay-roll of '94. Satisfactory proof having been made as to the residence of these parties, they are ordered enrolled; William Crowder as a citizen by intermarriage, and Polly Crowder and William P. Crowder, as citizens by blood of the Cherokee Nation, and their names entered upon the rolls now being made by this Commission.

Brown McDonald, being sworn by Commissioner Needles, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 17th day of July, 1900, at Westville, I.T.

Commissioner.

R.
Cher. 231.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., September 29, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of WILLIAM CROWDER as a citizen by intermarriage of the Cherokee Nation.

WILLIAM CROWDER, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A William Crowder.
Q How old are you? A About fifty-six.
Q What is your post office address? A Baptist.
Q Are you a white man? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation? A I reckon I did. I was before the Dawes Commission at Westville. I enrolled up there.
Q What is the name of your wife? A Polly Foreman.
Q Is she living? A Yes sir.
Q Are you and she living together? A Yes sir.
Q Have you lived together continuously since the date of your marriage? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to her? A Yes sir.
Q Are you and she living together now? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A Yes sir, she was married, they had one child.
Q What was the name of her former husband? A Zeke Proctor.
Q Was he living when you married her? A Yes sir.
Q Were they divorced? A Those times, when we was married, in 1869, that was under the Cherokee law, in 1869, I don't know anything about that. We was married in August, 1869.
Q Had she lived with Zeke Proctor prior to that time as his wife?
Q They had been living together about two years, I guess.
Q Do you know anything about their marriage? A No sir, I don't.
Q Do you know whether or not a divorce was obtained between them?
A No sir.
Q Are you on the 1880 roll? A I am on every roll there is, I guess. I was married in 1869.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of William Crowder as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 231.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 29th day of September, 1902.

John V. Rosson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., January 2, 1907.

In the matter of the application for the enrollment of William Crowder as a citizen by intermarriage of the Cherokee Nation.

William Crowder being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Idian Territory, testified as follows:

By the Commissioner:
Q What is your name? A William Crowder.
Q How old are you? A I don't know how old.
Q About how old? A I guess somewhere between 58 and 60.
Q What is your postoffice address? A Westville, I. T.
Q Do you claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Through whom do you claim your right? A My wife.
Q What is her name? A Polly Foreman
Q When were you married to Polly Foreman? A In 1869.
Q What date? A I don't remember.
Q Did you get a license? A Yes, July 5, 1869.
Q Were you ever married before you married Polly Foreman?
A No sir.
Q Was she ever married before her marriage to you? A Yes, I think so.
Q What was the name of her husband? A Zeke Proctor.
Q Was she married at the time she was married to you? A Yes.
Q Was she married to Zeke Proctor at the time she married you?
A Not that I know of.
Q Was he living at the time you married her? A Yes sir.
Q Where were you married to Polly Foreman? A In Going Snake District, Cherokee Nation .
Q I see from your marriage license which you hand me that the license was issued by the Cherokee nation for you to marry Polly Foreman. If she was married to Zeke Proctor why was the marriage license issued to Polly Foreman.
A I don't know.
Q If she was the lawful wife of Zeke Proctor, how could she marry you without being divorced? A Well, now, I don't know anything about that. It was said that they had lived together. I don't know whether they had or not only what they people said.
Q Have you lived with Polly Foreman ever since you were married to her in 1869? A Yes sir.
Q Living with her at the present time? A Yes sir.
Q Have you lived with her in the Cherokee Nation continuously since that time? A Yes sir.

Q Was Polly Foreman a citizen of the Cherokee Nation at the time you married her? A Yes sir.

The applicant is identified on the 1880 Cherokee roll opposite No. 310. His wife, through whom he claims his citizenship is identified on said roll opposite No. 311. She is also identified on the final roll of citizens by blood of the Cherokee Nation opposite No. 709.
The applicant also offers in evidence license issued by Aaron H. Beck on July 5, 1869, Clerk of the District Court of Going Snake District, granting him the right to marry Polly Foreman, together with the certificate of George Whitmire, Judge of the District Court, showing that they were married according to law on July 25, 1869.

Q How long did Polly Foreman live with Zeke Proctor? A I don't know; I suppose 5 or 6 months; maybe a little longer. Not long.
Q Was it as much as a year? A No, I think not.
Q Did they keep house? A No, they didn't keep house. He lived one place and she lived another. Some say he had another wife. The license was issued in her maiden name. They never held themselves out as man and wife.
Q Was there any form of marriage ceremony gone through with.
A No sir.
Q Were they regarded there in the country as man and wife?
A No, I think not.
Q Had they any children? A No sir.
Witness excused.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the above and foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this 4th day of January, 1907.

Edward Merrick
Notary Public.

Cherokee Nation)
Goingsnake Dist)

bee it known that authority is granted to any of the Judges and all ministers of all evangelical denominations having the care of soles to solemnise the rights of matrimony according to the cerimonies usely observed in such cases between Mr.W.P.Crowder to miss Polly Foreman an unmaried Cherokee citizen W.P.Crowder having complied with the law in such cases July 5th 1869 given under hand in office

Aaron H Beck

Clk Dist Court

this to certify that I doe this day performed and pronounced the right and cerimony as required by these licens and according to law July 25,1169

George Whitmire Judge Dist Court

Recorded on New book page 181 This 23 March 1880

W C Ghomly

Clk G S Dist

The undersigned being duly sworn states that as stenographer to the Comissioner to the Five Civilized Tribes, she made the above copy, and that the same is a true and correct copy of the instrument now on file in this office.

Mamie Tabor Mallory

Subscribed and sworn to before me this 9 day of Jan 1904

Chas J Kebslin
Notary Public.

L. G. D. Cherokee 231.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 18, 1907.

In the matter of the application for the enrollment of William Crowder as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Polly Crowder for applicant.
Cherokee Nation represented by W. W. Hastings, Attorney.

Supplemental Testimony.

Polly Crowder being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Polly Crowder.
Q What is your age? A About 63.
Q What is your post office address?
A Westville.
Q Are you acquainted with William Crowder?
A Yes sir.
Q Who is William Crowder?
A William Crowder is my lawful husband.
Q When was you married to William Crowder?
A In '69; I think it was about the 5th of July.
Q Was you ever married before you married William Crowder?
A No sir.
Q When William Crowder appeared before this office on January 2, 1907, he was asked whether you had ever married prior to your marriage to him and he replied that you was and that your former husband's name was Zeke Proctor. Is that correct?
A Well, I wasn't married. You know how they just kind of made a contract; and I got dissatisfied; I saw I had got the worst end of it.
Q Then you never was married to Zeke Proctor?
A No, I never was. We lived together like the Indians did, about three months and I never left my mother's home at all.
Q Then William Crowder was mistaken in his testimony of January 2, 1907, when he stated that you was formerly married to Zeke Proctor?
A Yes, he was mistaken; I never was married to him lawfully at all. We lived together about three months in the Indian style there at my mother's home.
Q Is Zeke Proctor living at this time?
A Yes sir.
Q Is he married?
A Well, he is a widower now.
Q He has been married?
A Twice; his first wife died and he married again; then his wife died about a year ago.
Q Did he marry his first wife before you and he lived together or afterwards?
A Afterwards.

BY MR. HASTINGS.

Q Did you and Zeke Proctor have any marriage contract?
A No, there was no written contract or nothing; you know how people married then days.
Q Did you have any verbal contract before witnesses?
A No sir.
Q Did you and he live together as husband and wife and hold each other out to the community as husband and wife during that time?
A No, I reckon not; he would come there and stay at mother's a little,- maybe a couple of days, and he would be gone.
Q Did your mother and the folks there at your home during that time regard him as your husband?
A Well, mother never did; of course, my step-father, he never had nothing to say about it at all but my mother never did.
Q Was there any children born of that union?
A One.
Q What was her name? A Mary Alice.
Q Was she born while you were living together?
A No sir; not while I was living with him; we didn't live together long.
Q About how long did you live together?
A Not more than three months.
Q And not continuously; only occasionally?
A Yes sir; just occasionally.
Q You never were married by a preacher?
A No; never was married by nobody.
Q You never did keep house in separate apartments?
A No; never left my mother's home.

BY COMMISSIONER.

Q Did Proctor ever make a home for you at all?
A No sir.
Q Did you ever live at his house?
A No sir.
Q You didn't live anywhere except with your own folks during the time of this connection of yours with Mr. Proctor?
A Right in my mother's house; never left my mother's house.
Q Did your mother feel as if you were married to Proctor under the Indian custom or did she not?
A I don't know what,-- she wasn't satisfied at all.
Q She didn't look with favor on the arrangement?
A No sir; she didn't.
Q How did you look upon it as to whether or not you were married; did you expect any further ceremony or any ceremony at all to be--
A I don't know that I thought much of anything; it was just sort of like a rat getting in a trap. I was into this trouble before I knew it.
Q How old were you at the time?
A I was about 20.
Q You were old enough to know what you were doing?
A Yes, of course; but you know how it is.
Q Did Proctor pay any board while he was there at your mother's house?
A No sir.
Q How long did he ever stay there at any one time?
A O, a day and night.

Q He stayed usually when he came, during the day or just during the night?
A Sometime he would stay a day and sometime he would get in after noon and leave the next morning.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 18th day of January, 1907.

John E. Tidwell
Notary Public.

E C M Cherokee 231.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of WILLIAM CROWDER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Westville, Indian Territory, July 16th, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of William Crowder as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 29th, 1902 and January 2nd, 1907, and January 18th, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, William Crowder, a white man, was married in accordance with Cherokee law July 25th, 1869 to his wife, Polly Crowder, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District No.311 as a native Cherokee, and whose name appears on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No.709. It is further shown that, previous to her marriage with William Crowder, the said Polly Crowder had cohabited with one Zeke Proctor for a period of about three months; and that at no time during said co-habitation did the said Polly Crowder or Zeke Proctor hold themselves out as husband and wife, nor were they regarded as such in the community. It is further shown that since said marriage of said William Crowder and Polly Crowder they have resided together as husband and wife and continuously lived in the Cherokee Nation. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Na tion.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, William Crowder is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 1907.

Cherokee No 231

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for theCherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 16, 1907, granting the application for the enrollment of William Crowder as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

EncI-7

RPI

Cherokee 231

Muskogee, Indian Territory, February 16, 1907

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision, enrolling William Crowder as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

[illegible]

Attorney for the Cherokee Nation.

Cherokee No 231

Muskogee, Indian Territory, February 16, 1907.

William Crowder,

Baptist, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 16, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Enc I-8 Commissioner.

RPI

Cherokee
I.W.194

Muskogee, Indian Territory, April 16, 1907.

William Crowder,

Westville, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.W-23.
S.W.

Commissioner.

Cher IW 195

Cher IW 195

DEPARTMENT OF THE INTERIOR

Commissioner ~~COMMISSION~~ TO THE FIVE CIVILIZED TRIBES

CHEROKEE LAND OFFICE.

APPLICATION FOR ALLOTMENT AND HOMESTEAD.

I, William N. Littlejohn, do hereby make application to have set apart to me, ~~and to those whom I lawfully represent,~~ lands selected by me as follows:

Roll Number	NAME	Relationship to person first named	SUBDIVISION OF	Sec.	Town	Rge.	Acres	100ths	VALUATION Dols.	Cts.	Certificate Number
2.1195	William N. Littlejohn		Lot 2 Less 5.18 acres H.O.C. & S.R.R. right of way	30	21	14	35	72	142	18	63261
Do	Do.		NW¼ NE¼ NE¼	32	12	24	10	–			
			SW¼ SW¼ NW¼	33	12	24	10	–	60	–	63268

HOMESTEAD	Sec.	Town	Rge.	Acres	100ths	VALUATION Dols.	Cts.	Certificate Number
S½ NE¼ SE¼	34	13	24	20	–			
NE¼ SE¼ SE¼	34	13	24	10	–			
SW¼ NW¼ SW¼	35	13	24	10	–			
NW¼ SW¼ SW¼	35	13	24	10	–	120	–	38834

I, William N. Littlejohn do solemnly swear that I have in person actually been upon the lands so selected by me for myself ~~and for those whom I represent,~~ as above described, and am fully informed as to the location of the same, and the character of the soil, and that I have in good faith selected such lands and will accept the same in allotment for myself ~~and for those whom I represent,~~ and that no part of said lands is lawfully held by any other citizen of the Cherokee Nation.

William N Littlejohn

Subscribed and sworn to before me at Muskogee Indian Territory, this 29 day of March A. D. 1907

B. P. Rasmus

SEAL.

61

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
CHEROKEE LAND OFFICE

Muskogee, Indian Territory, March 29, 1907

Testimony of William H. Littlejohn

in the matter of the Application for Allotment and Homestead on the reverse side hereof.

Q. What is your name? A. William H. Littlejohn

Q. What is your postoffice address? A. Gallian I.T.

Q. W as (Was or Were) the person for whom you make this application living on the first day of September, 1902? A. Yes.

Q. H as (Has or Have) the person for whom you make this application ever been enrolled or recognized as citizen of the Choctaw, Chickasaw, Creek or Seminole Nation? A. Yes

Q. H as (Has or Have) the person for whom you make this application received or applied for allotment of land in the Choctaw, Chickasaw, Creek or Seminole Nation? A. Yes.

Q. Are there any improvements on the land you have selected for Yourself? A. Yes. (Yes or No)

Q. What do the improvements consist of? A. Homestead 2 houses and barns with some outbuildings. (If buildings, state whether house, barn, shed, etc.) About all fenced and about 35 acres cultivated (Cultivated land: State number of acres in cultivation.) Balance in fenced timber land. (Fencing: State whether enclosing cultivated, pasture or meadow land.) Allotment that is 241-14 is unimproved public domain except for a fence which runs across the west side enclosing about 75 acres. This fence was put there by a Non citizen Named Bond of Owassa I.T. who use had the place leased before Sarah Linden applied for the land. Since then she has lost her citizenship. Only 44 about 3 acres fenced. This fence was made by Don Martin of Sallisaw. But he has completed his allotment and does not claim it any more. Who is the owner of the improvements? I am except a fence above named.

(If all the improvements are owned by a person not a party to the application state only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the particular tract on which such improvements are located, giving postoffice address of owner in each instance.)

Q. Have you obtained permission of (Name of owner or owners given in last answer.) to select the land on which (His, her or their.) improvements are located? A. Yes

Q. Does any one else claim this land or any part of it? A. No.

Q. Are there any churches, school houses or burial grounds on this land? A. No.

(If answered affirmatively, give description of the ten acre subdivision on which located.)

Q. Is that portion of the land which you have designated as a homestead suitable for a home? A. Yes

~~Q. Are there any improvements on the land you have selected for ? A. (Yes or No)~~

~~Q. What do the improvements consist of? A. (If buildings, state whether house, barn, shed, etc.) (Cultivated land: State number of acres in cultivation.) (Fencing: State whether enclosing cultivated, pasture or meadow land.)~~

~~Q. Who is the owner of these improvements? A. (If all the improvements are owned by a person not a party to the application state only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the particular tract on which such improvements are located, giving postoffice address of owner in each instance.)~~

~~Q. Have you obtained permission of (Name of owner or owners given in last answer.) to select the land on which (His, Her or Their) improvements are located? A.~~

~~Q. Does any one else claim this land or any part of it? A.~~

~~Q. Are there any churches, school houses or burial grounds on this land? A. (If answered affirmatively give description of the ten acre subdivision on which located.)~~

~~Q. Is that portion of the land which you have designated as a homestead suitable for a home? A.~~

~~Q. Are there any improvements on the land you have selected for ? A. (Yes or No)~~

~~Q. What do the improvements consist of? A. (If buildings, state whether house, barn, shed, etc.) (Cultivated land: State number of acres in cultivation.) (Fencing: State whether enclosing cultivated, pasture or meadow land.)~~

~~Q. Who is the owner of these improvements? A. (If all the improvements are owned by a person not a party to the application state only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the particular tract on which such improvements are located, giving postoffice address of owner in each instance.)~~

~~Q. Have you obtained permission of (Name of owner or owners given in last answer.) to select the land on which (His, her or their.) improvements are located? A.~~

~~Q. Does any one else claim this land or any part of it? A.~~

~~Q. Are there any churches, school houses or burial grounds on this land? A. (If answered affirmatively, give description of the ten acre subdivision on which located.)~~

~~Q. Is that portion of the land which you have designated as a homestead suitable for a home? A.~~

Witnesses to mark:

William H Littlejohn

INDIAN TERRITORY,
WESTERN DISTRICT }

Subscribed and sworn to before me at Muskogee, Indian Territory, this 29 day of March, 1907

B. F. Rasmus
Notary Public.

Application No. 3 212 ORIGINAL

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

CHEROKEE ENROLLMENT OFFICE.

Muskogee I. T. Mch 28 A. D. 1907

To the Chief Clerk of the Cherokee Land Office:

This is to certify that the names of the following persons

Roll Number	Card Number	NAME	Relationship to Person First Named	Age	Degree of Blood
8K195	1017	William N. Littlejohn		56	—

4:30 P.M.
3-28-07

All appear upon the records of the Commissioner to the Five Civilized Tribes as citizens of the Cherokee Nation.

Commissioner.

Roll Clerk.

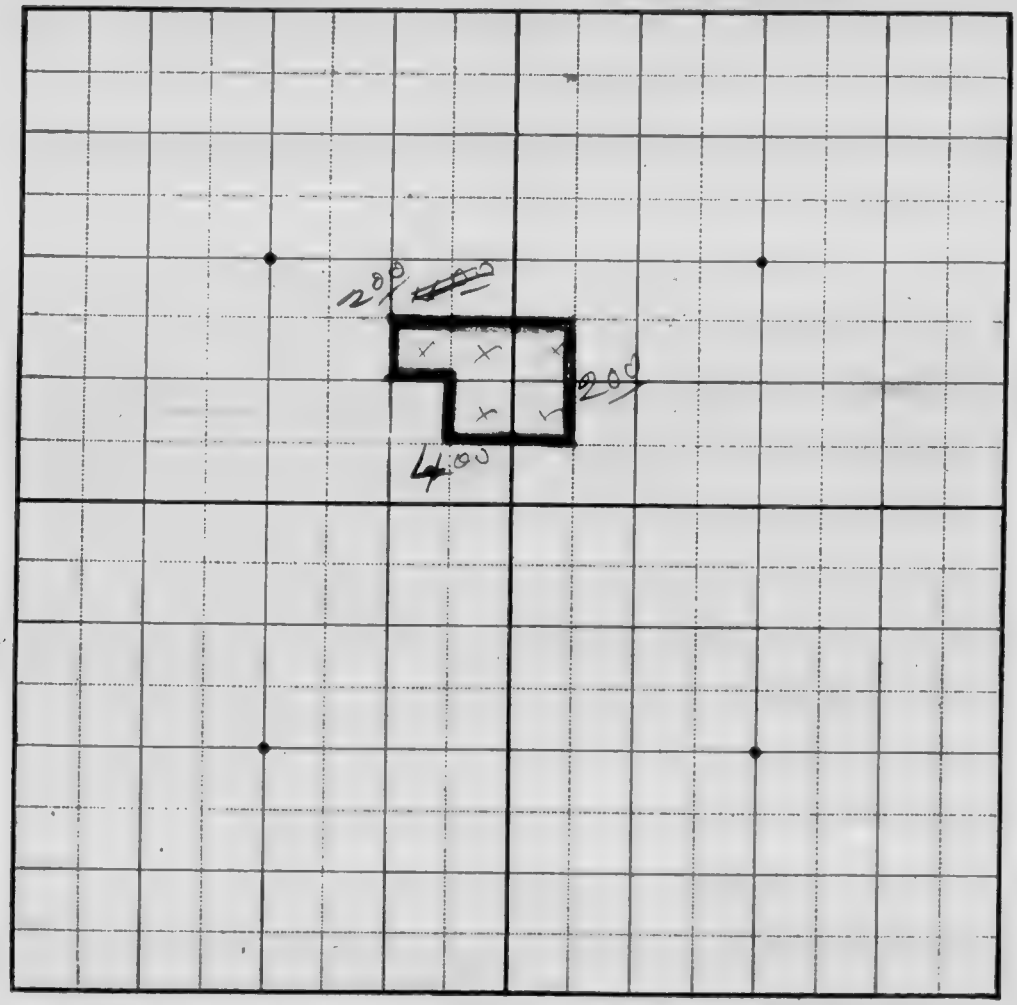
DEPARTMENT OF THE INTERIOR.

Commissioner to the Five Civilized Tribes

.....Nation

Township No. 13 Range No. 24

Sec. 34 Sec. 35



Sec. Sec.

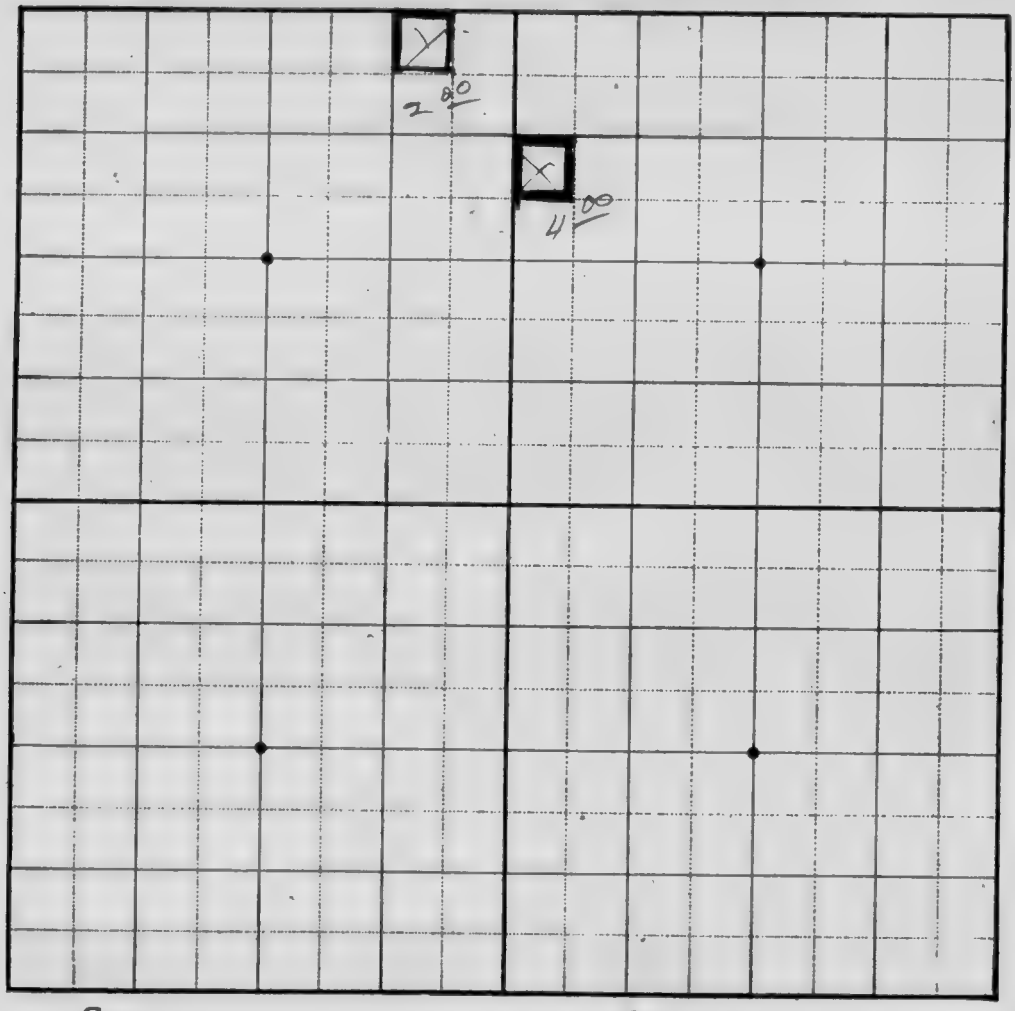
DEPARTMENT OF THE INTERIOR.

Commissioner to the Five Civilized Tribes

.....Nation

Township No. 12 Range No. 24

Sec. 32 Sec. 33



Sec. _____ Sec. _____

(169)

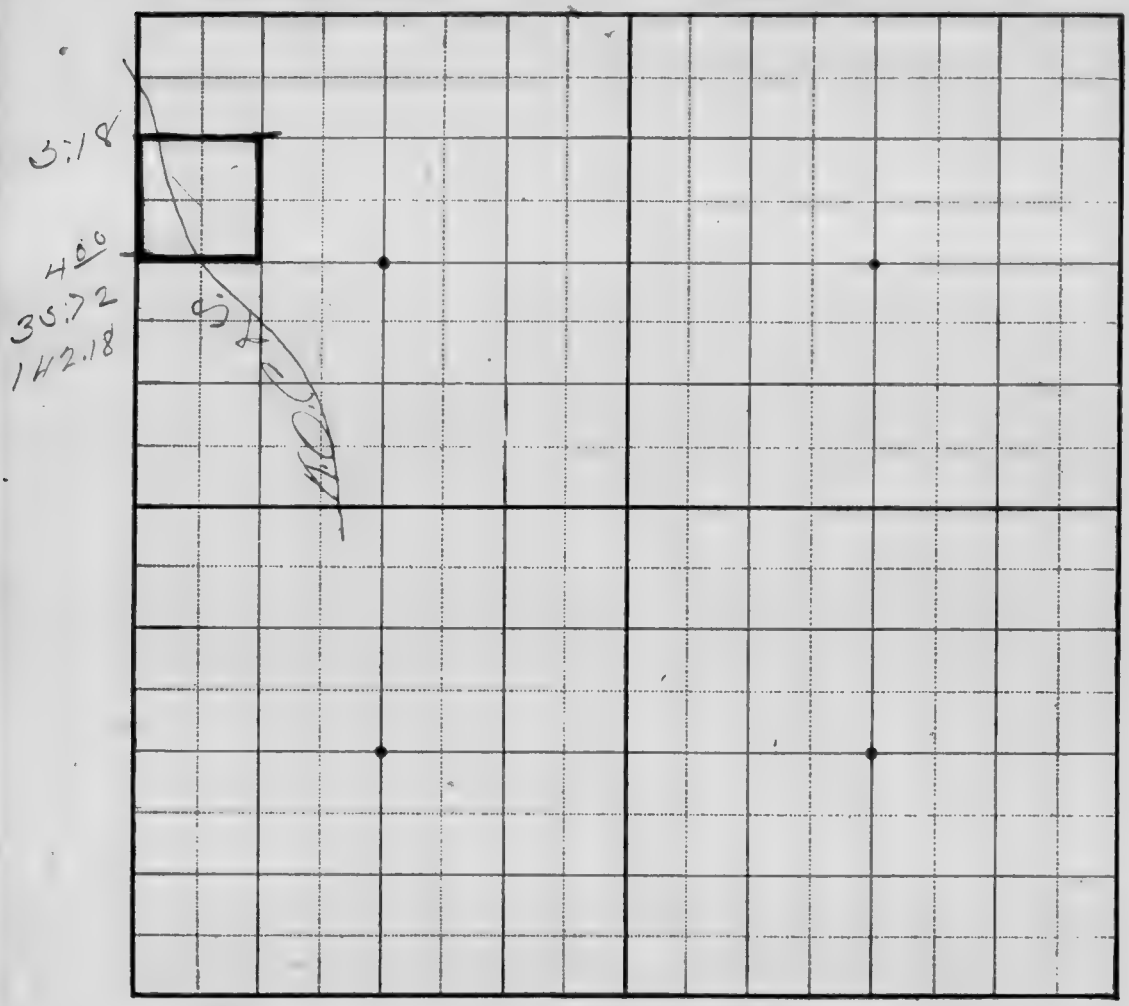
DEPARTMENT OF THE INTERIOR.

Commissioner to the Five Civilized Tribes

.....Nation

Township No. 21 Range No. 14

Sec. 30 Sec.



Sec. Sec.

Allotment No.
Sroc.

Tahlequah, Indian Territory, December 30, 1904.

Jesse McKnight,

Alluwee, Indian Territory.

Dear Sir:

On July 22, 1904, Edward Derrick, of Hayden, Indian Territory, appeared before the Cherokee Land Office at Tahlequah, Indian Territory, and selected in allotment for Charley B. Derrick, the N/2 of the NW4 of the NE4 and the NE4 of the SW4 of the NE4 of Section 34, Township 26 North, Range 17 East of the Indian Meridian, containing 30 acres.

It appears that you also claim the above described tract of land, or a part thereof.

Section 69 of the Act of Congress, approved July 1, 1902, (Public No. 241), provides as follows:

> "Sec. 69. After the expiration of nine months after the date of the original selection of an allotment by or for any citizen of the Cherokee tribe as provided in this Act, no contest shall be instituted against such selection, and as early thereafter as practicable patent shall issue therefor."

You are, therefore, hereby notified that you may appear at the Cherokee Land Office at any time within nine months after the date of said selection and make application for the above described tract of land, or any part thereof claimed by you, and file contest therefor if you so desire.

Respectfully,

CWM

Register

Commissioner in Charge
Cherokee Land Office.

Cher IW 196

Cher IW 196

Cher I W 197

Cher I W 197

Cher IW 198

Cher IW 198

Identification of my Intestate's children:
(1896 Roll, Page 1030, #34, Lillian Alexander, Sequoyah District.)
(1896 Roll, Page 1030, #34, Ella Alexander, Sequoyah District.)
(1896 Roll, Page 1030, #34, Fay Alexander, Sequoyah District.)
(1896 Roll, Page 1030, #34, Kate Alexander, Sequoyah District.)

The name of Joseph H. Alexander appears upon the authenticated roll of 1880, as well as the names of 1896; the name of his wife, Sophronia Alexander appears on the authenticated roll of 1880 as Sarrony Duncan, and on the roll of 1896 as Sophronia Alexander: The names of his children, Lillian, Ella, Fay and Kate appear on the census roll of 1896, by all which identified according to page and number as the rolls show, and in the testimony, and they were made citizens upon their residence, said Joseph H. Alexander will be duly listed for enrollment by the Commission as a citizen by intermarriage; and his wife and children will be duly listed for enrollment by the Commission as Cherokees by blood.

R. R. Graves, being sworn, states that he is one of the Commission to the Five Civilized Tribes, and has charge of this case, and that the above and foregoing is a true and correct transcript of the stenographic notes of the testimony.

Sworn to and subscribed before me this 21st day of August, 1900.

COMMISSIONER.

14451

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 24 1900
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MULDROW, I. T., AUGUST 15th, 1900.

IN THE MATTER OF THE APPLICATION OF Joseph H. Alexander, wife and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Joseph H. Alexander.
Q What is your age? A Fifty nine.
Q What is your Postoffice? A Ft. Smith, Arkansas.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or by intermarriage? A By adoption.
Q You mean by intermarriage? A Yes sir.
Q What District do you live in? A Sequoyah.
Q How long have you lived there? A Thirty two years.
Q Continuously in Sequoyah District? A Yes sir.
Q For whom do you apply? A My wife and children, and one child of my first wife, and myself.
Q What is your father's name? A Silas Alexander.
Q Is he living? A No sir.
Q Was he a non citizen? A Yes sir.
Q What is the name of your mother? A Mary Kennedy. (Kannady)
Q Is she living? A No sir.
Q Was she a non citizen? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wifes name? A Sophronia E. Alexander.
Q When were you married? A The first of April, 1883.
Q What was her name before you married her? A Duncan.
Q Is she living? A Yes sir.
Q What is her father's name? A John Duncan.
Q Is he living? A No sir.
Q Was he a Cherokee citizen by blood? A Yes sir.
Q When did he die? A In 1881, I believe.
Q What is the name of her mother? A Betsey Duncan.
Q Is she living? A Yes sir.
Q What evidence have you of your marriage? A I have a marriage certificate.
Q Have you any children? A Yes sir.
Q What is the name of the oldest one at home? A Maud Alexander.
Q How old? A Sixteen.
Q Next one? A Fay Alexander.
Q How old? A Twelve.
Q Next one? A Kate Alexander.
Q How old? A Four.
Q What is the name of the next one ? A That is all.
Q These children are living, and living with you? A Yes sir.
Q You say you have some children by a former marriage? A Yes sir; one a little over twenty .
Q What is the ones name at home? A Lillian Alexander.
Q What is the name of Lillian's mother? A Cherokee C. Alexander.
Q Was she a Cherokee by blood? A Yes sir.
Q Is she living? A No sir.

(Applicant identified on the roll of 1880, Page 680, #8, Joseph H. Alexander, Sequoyah District)
(Applicant's present wife identified on the roll of 1880, Page 692, #399, Safrony Alexander, Sequoyah District)
(Lillian Alexander identified on the roll of 1880, Page 680, #13, Lillian Alexander, Sequoyah District)
(Applicant identified on the roll of 1896, Page 1111, #6, Joseph Alexander, Sequoyah District)
(Applicant's wife identified on the roll of 1896, Page 1050, #31, Sophenia Alexander, Sequoyah District)

Identification of applicant's children:
(1896 Roll, Page 1050, #33, Lillion Alexander, Sequoyah District)
(1896 Roll, Page 1050, #34, Maud Alexander, Sequoyah District)
(1896 Roll, Page 1050, #35, Fay Alexander, Sequoyah District)
(1896 Roll, Page 1050, #36, Kate Alexander, Sequoyah District)

The name of Joseph H. Alexander appears upon the authenticated roll of 1880, as well as the census roll of 1896; the name of his wife, Sophronia Alexander appears on the authenticated roll of 1880 as Safrony Duncan, and on the census roll of 1896 as Sophronia Alexander: The names of his children, Lillian, Maude, Fay and Kate appear on the census roll of 1896, they all being identified according to page and number of the rolls as indicated in the testimony, and they having made satisfactory proof as to residence, said Joseph H. Alexander will be duly listed for enrollment by this Commission as a citizen by intermarriage; and his wife and children will be duly listed for enrollment by this Commission as Cherokees by blood.

R. R. Cravens, being sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

R. R. Cravens

Sworn to and subscribed before me this 21st day of August, 1900.

COMMISSIONER.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 27th, 1902.

In the matter of the application of Joseph H. Alexander for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Sophronia Alexander, and his children, Lillian, Maud, Fay and Kate Alexander, as citizens by blood of the Cherokee Nation.

Supplemental to #1450.

JOSEPH H. ALEXANDER, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Joseph H. Alexander.
Q. What is your age? A. Near 62, as well as I can remember.
Q. What is your post office? A. Fort Smith.
Q. Are you an applicant for enrollment as an intermarried citizen?
A. Yes, sir.
Q. What is your wife's name? A. My present wife is named Sophronia.
Q. When were you married to her? A. '83.
Q. Had you been married before you married this wife?
A. Yes, sir.
Q. What was your first wife's name? A. Cherry C. Thompson.
Q. Was she a Cherokee by blood? A. Yes, sir.
Q. Were you married to your first wife under a Cherokee license?
A. Yes, sir; the second time I was. I remarried. Married in Texas and remarried in January, 1868.
Q. Do you appear on the eighty roll with her? A. Yes, sir.
Q. When did she die? A. She died the 11th day of April, 1881.
Q. After her death you married your wife Sophronia? A. Yes, sir.
Q. Is she also a Cherokee? A. Yes, sir.
Q. Did you and your first wife live together until her death?
A. Yes, sir.
Q. Have you and your present wife always lived together as husband and wife? A. Yes, sir.
Q. Never have been separated? A. No, sir.
Q. Has your home been in the Cherokee Nation? A. It has been our home all the time, although my wife has occasionally moved to Fort Smith to send our children to school.
Q. How many times did you go to Fort Smith? A. About 5 times.
Q. When did you go there first? A. I took my first family there in 1873. Then I married again and went there in 1884, then in 1887.
Q. Then did you go in 1887 again? A. Yes, sir, and stayed two years. Then I went about in 1892 and I have been there ever since.
Q. Your family has been in Fort Smith since 1892? A. Yes, sir. My home is in the bottom and we can't live there. It is close to town.
Q. How far from town? A. About 2 miles. I work my farm myself and have been for 34 years.
Q. As a matter of fact, since 1892 your wife and children have spent their time in Fort Smith? A. Yes, sir.
Q. Do you have a house--keep house in Fort Smith? A. Yes, sir.
Q. Never kept house with your family over in the Nation since 1892?
A. Not the last time. I have kept house in the bottom; me and my son.
Q. You have stayed, yourself, at the farm for the last 3 or 4 years? A. Yes, sir; I run the farm for 34 years. The family has only been there part of the time.

Q. Where have you spent most of the time? A. On the farm and at Muldrow. I have got a gin there.
Q. Which son is it that is there with you? A. Joe.
Q. But your wife and the younger children stay at Fort Smith?
A. Yes, sir.
Q. And you go over Saturday and stay until Monday morning, as a rule? A. Yes, sir.
Q. These children, Lillian, Maud, Fay and Kate, are your children by your present ~~xxxx~~ wife? A. No, sir; Lillian is the youngest by my first wife.
Q. The other three are children by your present wife? A. Yes, sir
Q. All four of these children are living? A. Yes, sir; Lillian has been teaching in the seminary.
Q. Which Seminary? A. Female seminary at Tahlequah.
Q. Do you know how long she has been teaching there? A. 2 or 3 years. After she quit school. She went east to school.
Q. Where did she go to school? A. Columbia 5 years ago and Vanderbilts the next year, then came back and went to teaching in the seminary.
Q. Since she quit school she has been teaching over in the seminary? A. Yes, sir.
Q. The other three children have been with their mother in Fort Smith? A. Yes, sir. One of them is off to school in Virginia.
Q. What is true as to your wife and yourself is true as to your children? A. Yes, sir.
Q. As to residence? A. Yes, sir.

++++++++++++++++++++++++++

Jesse O. Carr, being first duly sworn, states that as stenohrapher to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notesthereof.

Jesse O Carr

Subscribed and sworn to before me this 28th day of October, 1902.

H. Rutter

Notary Public.

Subscribed and sworn to before me this 23 day of November, 1902.

Notary Public.

FILED
NOV 23 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

ACTING CHAIRMAN

"Q. Do you know Mr. Tiger?

"A. Yes, sir.

"Q. Do you know Mr. Tiger's reputation for truth and veracity in the community in which he lives?

"A. Yes, sir.

"Q. What is it?

"A. Good

where your son, Joe, stays? A Well, we have got a number of houses but the one we live in is a two story house, six rooms, yellow, big enough for a family that does the work and the hands.

Q Who owns the house there? A I do.

Q Your son has no interest? A I think not of that kind, only his clothes. I had it all there before he was old enough to work.

Q Your son has lived there all the time since he has been grown?

A Yes, sir, he never was out only he went to school in Fort Smith four or five months and in Virginia a while, but he has been here ever since.

Q How much of the time, Mr. Alexander, out of the year do you spend in Fort Smith? A Well, I don't know in a year, let's see, when I am not very busy one or two days in the week. I have nothing to do in Fort Smith and I don't like to stay there. I have work in the woods on my own farm. I always have plenty to do. I have stock there and have nothing in the world to do in Fort Smith. I don't like to loaf.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 29th day of November, 1902.

Notary Public.

Acting Chairman.
NOV 29 1905
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Acting Chairman.
DEC 23 1902
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee 1450.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 29, 1902.

In the matter of the application of Joseph H. Alexander for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Sophronia Alexander, and his four minor children, Lillian, Maud, Fay and Kate Alexander, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOSEPH H. ALEXANDER, being sworn, testified as follows:

By the Commission,

Q What is your name, please? A Joseph H. Alexander.
Q How old are you, Mr. Alexander? A Sixty-two.
Q You appeared before the Commission on last Monday and gave some testimony in regard to your application? A Yes, sir.
Q You were married to your first wife when, Mr. Alexander?
A Originally in Texas and we married in '68; afterward we came to the Nation in the fall of '68, and married under Cherokee law.
Q How long did she live after you were married? A She died in '81.
Q She appears on the '80 roll? A Yes, sir, her and her children.
Q Then when did you marry your second wife? A In 1883.
Q In 1883? A Yes, sir.
Q She was also a Cherokee? A Yes, sir, she was raised here.
Q You did not take out a license to marry the second time?
A No, sir, I had a marriage certificate down at the hotel. I exhibited that before.
Q Have you and your second wife lived together since your marriage to the present time? A Yes, sir.
Q Where have you lived, Mr. Alexander, since 1880? A I have lived in Sequoyah District near Fort Smith.
Q Where has your wife, Sophronia, lived all that time? A Part of the time there and part of the time in Fort Smith sending the children to school.
Q When did you first take your family to Fort Smith? A My family stayed there a little while in the summer of '84 and back there in the year '87, and then in '92 we moved back.
Q Has your wife and children been living in Fort Smith, keeping house there, since 1892? A Yes, sir, but I have not been keeping house there. I have been on my farm , had my own house there, that is, cook and run the place there the whole time.
Q How far is your farm from Fort Smith? A About two and a half miles above the bridge on this side and another mile to the town across the river.
Q Who's living on your farm at this time? A I and my son, Joe.
Q How old is Joe? A He is about thirty.
Q He a married man? A No.
Q He baches there? A He keeps cooks hired. We run the farm with hired hands.
Q You say your wife and children have lived in Fort Smith since '92? A Yes, sir.
Q They got a house, keep house, there? A Yes, sir.
Q And you claim you have been yourself in the Territory since '92?
A Yes, sir, all my business is there.
Q You and your wife are not separated at all, are you? A No.
Q Still living together? A We are not separated at all, I visit

them still.
Q How often do you go? A In busy times I go Saturday night and stay until Monday morning.
Q From Staurday night until Monday morning? A Yes, sir, I stay all the week in Muldrow. I have a cotton gin.
Q How far is Muldrow from your farm? A About eight miles.
Q Do you stay on the farm while you run the gin at Muldrow?
A No, sir.
Q Do you keep house there? A Yes, sir.
Q How much of the year do you stay at Muldrow? A I stay all the fall of the year from September to the last of February. I buy cotton and attend to the business. My son runs the farm or part of it, he has charge of the farm.
Q He has charge of the hands and you and he share in the profits of the farm? A I assist him in running the farm and we share in the profits. I furnish the stock and everything is mine.
Q Well, have you got - do you keep a cook of your own over here on the farm? A Yes, sir, I keep a family there hired.
Q Keep a hired family? A Yes, sir.
Q And you only spend Saturday night and Sunday over in Fort Smith?
A As a rule.
Q Well, isn't it a matter of fact, Mr. Alexander, that your home is in Fort Smith since '92? A No, I don't pretend to have any family there, they can't live there. We buried one child and my wife said she would go to Fort Smith and raise the children.
Q Did you have a house in Fort Smith? A Yes, sir, but I do not vote there. I have repeatedly sworn that I am not a citizen of Arkansas. I am a citizen of the Cherokee Nation. I have always been recognized as a Cherokee and voted always at every election for thirty-four years since I have been here and have never been challenged or disputed.
Q You keep up the expenses of the house there in Fort Smith of your wife and children, don't you? A Yes, sir, of course.
Q Do you have your washing done over there? A No, not much of the time. My washing is done at the farm.
Q At the farm? A Yes, sir.
Q Where do you spend the summers, Mr. Alexander? A I spend them mostly on the farm.
Q Where do you spend July and August? A On the farm. Just as busy a time as any other time - potato raising - we raise a crop of potatoes in the summer. My family sometimes go off in the summer.
Q Your children all living there with your wife? A All but one was born on the farm.
Q And the youngest was born at Fort Smith? A Yes, sir.
Q But the oldest children have lived with your wife in Fort Smith ever since '92, except the time when the others were off at school?
A Yes, sir, there at school, that's the object in taking them there. We never considered we were violating the Cherokee law, that is, as long as we were loyal to the Cherokees. All my effects are here.
Q Your family, your wife and children, with you, have never kept house over in the Cherokee Nation since 1892, have they? A They have not. They did come over and spend one summer in '96, I believe, and then went back but they have not kept house since '92 there, not except that summer.
Q In '96? A Yes, sir.
Q How long were they over there in '96? A About five months.
Q Did you move all your furniture from Fort Smith to the farm?
A All that we had room for.
Q How much of a House, Mr. Alexander, have you got there on the farm

where your son, Joe, stays? A Well, we have got a number of houses but the one we live in is a two story house, six rooms, yellow, big enough for a family that does the work and the hands.
Q Who owns the house there? A I do.
Q Your son has no interest? A I think not of that kind, only his clothes. I had it all there before he was old enough to work.
Q Your son has lived there all the time since he has been grown?
A Yes, sir , he never was out only he went to school in Fort Smith four or five months and in Virginia a while, but he has been here ever since.
Q How much of the time, Mr. Alexander, out of the year do you spend in Fort Smith? A Well, I don't know in a year, let's see, when I am not very busy one or two days in the week. I have nothing to do in Fort Smith and I don't like to stay there. I have work in the woods on my own farm. I always have plenty to do. I have stock there and have nothing in the world to do in Fort Smith. I don't like to loaf.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 29th day of November, 1902.

B O Jones
Notary Public.

Cher
Supp'l to # 1450

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of JOSEPH H. ALEXANDER, for the enrollment of himself as a citizen by intermarriage, and his wife, SAPHRONIA ALEXANDER, and his children, LILLIAN, MAUD, FAY and KATE ALEXANDER, as citizens by blood, of the Cherokee Nation:

JOE ALEXANDER, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Joe Alexander.
Q What is your post office address ? A Fort Smith.
Q How old are you ? A Thirty years old.
Q What is the name of your father ? A Joseph H. Alexander.
Q What is the name of your mother ? A Cherokee Alexander.
Q Is your mother living ? A No sir.
Q Has your father married since her death ? A Yes sir.
Q What is his present wife's name ? A Saphronia.
Q You want to give testimony in the matter of your father's application for enrollment ? A Yes sir.
Q Now, do you live in Fort Smith, Mr. Alexander ? A No sir.
Q How far do you live from Fort Smith ? A About three miles.
Q Do you live on a farm ? A Yes sir.
Q Who does the farm belong to ? A It belongs to my father.
Q Are you a married man Mr. Alexander ? A No sir.
Q Do you keep house there on the farm ? A Yes sir, we hire a cook and I keep house.
Q You hire a cook ? A Yes sir.
Q Where does your father's wife and his younger children live ?
A They are in Fort Smith.
Q How long have they been living there in Fort Smith ?
A They have been over there since about 1892.
Q Have they got a house, and keep house over there, do they ?
A Yes sir, they have got a house. The children are going to school over there.
Q Your father and his wife Saphronia live together over there don't they ? A They have never parted; he lives on the farm with me, and goes over there occasionally.
Q He don't pretend to live with his family ?
A He goes over there; they are over there with the children going to school.
Q Is the school going on all the time over there ?
A Yes sir, nine months in the year.
Q Have your father Joseph H. Alexander and his wife Saphronia kept house in the Cherokee Nation since 1892 ? A Yes sir.
Q Where ? A Up on the prairie. We keep house in the bottom all the time.
Q Has your father and his wife Saphronia kept house in the Cherokee Nation since they went to Fort Smith in 1892 ?
A Yes sir.
Q Where ? A Up on the prairie about seven or eight miles from Fort Smith. They lived up there.
Q How long at any one time ? A About seven months was the longest time.
Q When was that ? A In 1896.
Q What time of the year was it ? A In the summer.
Q Have they, since 1896, kept house in the Cherokee Nation for as much as a month at any one time ?
A Well, the folks have been over.
Q That is his wife, your step-mother, and their children ?
A No sir.

Q Since 1896 ? A No sir.
Q They come over sometimes on the farm for two or three days, and then go back to town, don't they ? A Yes sir.
Q And since 1896 they have never stayed as much as a month on the Cherokee side of the river, at any one time , to keep house ?
A I don't believe they have.
Q Your father and his wife still live together as man and wife ?
A Yes sir.
Q They haven't been separated ? A No sir.
Q Do you mean to say that your father lives on the farm with you and his wife and children stay in Fort Smith ?
A We keep house there, and his business is there.
Q How far is your farm from Fort Smith ? A Three miles.
Q Don't your father, in the summer, stay over at Fort Smith at night, and drive out to the farm in the morning ? A No sir.
Q He stays on the farm all the week and goes over to town on Saturday and stays in town until Monday ?
A That's generally the way.
Q During the cotton seas, say from September until spring, where does he stay ? A Mostly at Muldrow.
Q He doesn't stay on the farm any during the winter does he ?
A Not much. He comes down sometimes and stays a day or two.
Q Mr. Alexander, isn't it a fact that your farm is run pretty nearly exclusively by you ? A No sir, we are partners.
Q You are partners in the farming business ?
A He pays his part of the expenses, yes sir.
Q So far as the working of the crops, and everything of that kind, isn't that done directly under your supervision ?
A No sir, he does about as much of it as I do.
Q You are there all the time aren't you ?
A Not all the time; sometimes I go away, and he's there.
Q How long do you stay away ? A All night sometimes.
Q You never stay away as much as a week do you ?
A Sometimes I do.
Q Does that occur very often ? A Not very often.
Q You are there on the farm a good deal more than your father ?
A He goes over to town more than I do.
Q He goes to town a great deal more than you do ? He doesn't pay you for staying there ? Doesn't he go to town a great deal oftener than you do ? A No sir.
Q How often do you go over to Fort Smith ?
A Two or three times a week.
Q You don't spend the night there do you ? A Once in a while.
Q How often ? A Once a week, on Saturday night sometimes.
Q Your father in the winter time and fall stays up at Muldrow and runs the gin ? A Yes sir, stays up there and sees about the gin.
Q How far is Muldrow from your farm ? A About eight miles.
Q Does he stay at night on the farm and go up to Muldrow in the morning ? A Sometimes he stays at Muldrow.
Q While he is up there running the gin you stay on the farm ?
A Yes sir.
Q You try to make it convenient for one of you to be on the farm all the time ? A Yes sir.
Q You don't have anything to do with the ginning business at Muldrow ? A Yes sir, I am interested some; I go up there some myself.
Q Do you go up there and see about the business of ginning ?
A Yes sir sometimes I do.
Q Do you take charge of the ginning business ?
A Not as much as I do on the farm.
Q Do you take any charge of the gin up there ?
A When I am up there I do.

Q About how often do you go up there ?
A About once a week.
Q To Muldrow ? A Yes sir.
Q How long do you usually stay as a general proposition ?
A About half a day.
Q Just to look around to see how things are going on ?
A Yes sir.
Q You don't figure on what the ginning business is doing; whether it is running at a profit or a loss ? A Yes sir, I can stay in the bottom and do that.
Q Your step-mother, and these children, these younger children of your father's, your half-brothers and sisters, they keep house over there in Fort Smith, don't they ? A Yes sir.
Q And they have kept house over there since they went there in 1892, haven't they ? A Yes sir, except what time they are over in the Indian Territory.
Q When they are over in the Indian Territory they still keep their house in Fort Smith ? A Yes sir.
Q They have got their furniture over there and all ?
A They moved their furniture over there when they come over into the Territory.
Q That was in 1896 ? A Yes sir.
Q And they came over and stayed two or three months on the prairie there ? A I think it was several months.
Q They stayed over there one summer, didn't they ? A Yes sir.
Q They didn't stay there during the winter and fall ?
A No sir.
Q They went back to Fort Smith did they, so the children could go to school ? A Yes sir.
Q Since then they haven't moved their furniture over into the Cherokee Nation to live, have they ? A No sir, but I carried some of the furniture over to the farm.
Q How long have Mrs. Alexander or the children stayed over there on the farm since 1896 ? A They haven't stayed over a night or two at a time.
Q Have they ever stayed over there, you since, since 1896, as much as a week at any one time ? Over on the farm ?
A I don't remember that they have stayed that long.
Q Your father and your step-mother have never been separated since they were married, have they ? A No sir.
Q They were living together as man and wife on the first day of September, 1902 ? A Yes sir.

GABRIEL L. PAYNE, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Gabriel L. Payne.
Q How old are you ? A Forty six years old.
Q Where do you live ? A In Sequoyah District, Cherokee Nation.
Q What is your post office address ? A Fort Smith.
Q How far from Fort Smith do you live ?
A I suppose it is in the neighborhood of seven or eight miles. It is right across the river.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Are you an intermarried citizen or a citizen by blood ?
A By adoption.
Q You want to give some testimony in the matter of the application of Joseph H. Alexander ? A Mr. Alexander asked me to come up and testify in regard to his living in the Cherokee Nation.
Q How long have you known Mr. Alexander ? A Since 1869.

Q Do you know his present wife ? A Yes sir.
Q Where has Mr. Alexander lived for the past ten years ?
A Well, he has always claimed Sequoyah District, right above me, his home is right adjoining my farm.
Q Where has his wife and younger children lived since 1892 ?
A Well, they have been principally in Fort Smith.
Q Haven't they been in Fort Smith all the time with the exception of two or three months in 1896 ? A Maybe they have.
Q You can't say ? A No sir.
Q How long do you know, of your own knowledge, of Mr. Alexander and his wife keeping house in the Cherokee Nation ?
A He was married in the Cherokee Nation.
Q I mean since 1892 ? A Now just wait until I tell you. He was married to his wife in the Cherokee Nation, and my recollection is that it was about 1891 or 1892 that he moved his family to Fort Smith. And then he moved back once after that time, but how long he stayed back I can't say.
Q That was about 1896 that he brought the family back up on the prairie ? A Probably so, that's where they lived. He has got a home up on the prairie where they lived before he took them to town.
Q With the exception of that one time, that you speak of, when he moved his family back over there, has Mr. Alexander, with his wife and younger children, jept house in the Cherokee Nation or Indian Territory since 1892 ? A I can't say positively whether they have or not.
Q Don't you know his family and the children have lived in Fort Smith all the time ? A No sir, I do not know that. I know they came back over on this side of the river, but whether that was in 1896----
Q With the exception of that one time you speak of, haven't his wife and children lived in Fort Smith, Arkansas ?
A I can't say positively, but I think so.
Q Mr. Alexander has a farm on this side of the river right close to you, and only a short distance from Fort Smith ?
A Yes sir.
Q And he stays on the farm a good deal himself ? A Yes sir.
Q And he goes over once a week to see his family ?
A I can't say that he goes to see his family, but I suppose it would be natural that he should; our business is mostly donw at Fort Smith.
Q They were not separated ? A No sir.
Q They were living together as husband and wife on the first day of September, 1902 ? A Yes sir.
Q They have never separated ? A No sir, I am pretty well acquainted with them; he is a brother-in-law of mine.

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R. C. Bagwell

Subscribed and sworn to before me this December 1, 1902.

Notary Public.

Cher
Supp'l to # 1450

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 22, 1902.

In the matter of the application of JOSEPH H. ALEXANDER, for the enrollment of himself as a citizen by intermarriage, and his wife, SAPHRONIA ALEXANDER, and his children, LILLIAN, MAUD, FAY and KATE ALEXANDER, as citizens by blood, of the Cherokee Nation:

Appearances:
Applicant present in person, and by his attorneys, W. T. Hutchings and W. P. Thompson;

JOSEPH H. ALEXANDER, being duly sworn and examined by the Commission, testified as follows:

Examined by Mr. Hutchings:

Q State your name ? A Joseph H. Alexander.
Q You are the applicant that applied in August, 1900, for yourself and family ? A Yes sir.
Q You have testified twice before in this case ? A Yes sir.

By Mr. Hutchings: I want to offer in evidence Section Two, Article One, of the Constitution of the Cherokee Nation.

Witness further examined by Mr. Hutchings, as follows:

Q How long have you resided in the Cherokee Nation ?
A Thirty four years.
Q Did you ever hold any office in the Cherokee Nation ? A Yes sir.
Q What was that ? A Clerk of the district for two years.
Q Where has your family resided for the last ten years outside of yourself ? A In Fort Smith.
Q Why did you carry your family to For t Smith at that time ?
A At that time she was an invalid, and the physician, Dr. Bailey, stated that he would have to see her every day, and that she would have to go to the hospital, and requested that she come to town. We were living nine miles from Fort Smith on the prairie farm.
Q Did he perform any operations upon your wife ? A Yes sir.
Q Has it been necessary that she be constantly under his treatment ever since that time ? A Yes sir, he performed three operations upon her in three or four years; they were only partially successful, and he is still treating her.
Q Doctor W. W. Bailey ? A Yes sir.
Q Could you have procured such medical services where you then lived as were necessary for her to have ? A No sir I could not. There was no one that could possibly perform the operations he does.
Q Doctor Bailey is an eminent physician in Fort Smith ?
A Yes sir, known as one, and a surgeon.
Q What property did you have in the Cherokee Nation in 1892 when you moved your wife and children to Fort Smith ?
A I had one farm of five hundred and fifty acres in cultivation on the farm; and one of one hundred, and one of sixty, separate ones in the bottom, and a prairie farm of two hundred acres in cultivation, besides a prairie pasture and hay pasture, of one hundred acres.
Q What sort of improvements were on these places, and about what value ?
A The prairie farm had about a $1000.00 dwelling house, and three tenant houses worth perhaps $200.00 a piece, and three or four good wells; and the one hundred acre farm had a good four room dwelling and three or four smaller tenant houses; and the small sixty acre farm had one three room house and out-buildings.

Q What chattel and property ?
A On the five hundred and fifty acre farm I have one good big dwelling for tenant house worth five or six hundred dollars, and had a house we kept for keeping house in, was furnished and everything, seven rooms, two story house, and five other common tenant houses, worth one hundred and fifty dollars a piece, I reckon, besides stock sheds and hay sheds. The buildings alone, I value at about $5000.00 altogether, actual cost; and I have about $2000.00 worth of farming machinery. Do you want to know what it consists of ?
Q No; that's $2000.00 worth of machinery.
A I have a steam gin on the farm worth about $3000.00; at Muldrow I have a steam gin worth about $3500.00, and a small dwelling house worth about $200.00.
Q Did you have these last things in 1892 when you sent your wife to Fort Smith ? A I had everything but that little dwelling at Muldrow. And in addition to that I bought some more land in the bottom.
Q Now, what chattel property, in the way of horses, cattle, and one thing and another, have you had down on these places during the last ten years ? A In 1892 I had one hundred head of cattle and about sixteen mules and thirty head of stock mares, and a stallion and a jack, and hogs, about one hundred head.
Q Well ? A Since then I have disposed of the most of the cattle, got about twenty five or thirty head now, and the stock mares. I have now about thirty head of work mules. I work that six hundred acre farm with hired hands, with my own stock.
Q Then you have all the time, since 1892, had these farms and gins, and everything in the way of stock, on the farms ? A Yes sir.
Q Who has looked after this business in the Cherokee Nation ?
A With the help of my son, I have. He stays on the bottom farm, and I help him, and these other farms I attend to myself without assistance, and in the fall I run the Muldrow gin, and I buy cotton and manage it.
Q How do you live over in the Nation, and have lived since 1892?
A While I run the prairie farm I had a straw berry farm there, and put in the most of my time there; I hired a man and his wife to cook, and the last four years I rented that farm out, and I moved the balance of my furniture to the bottom farm, and made that my headquarters when I wasn't at Muldrow.
Q In what district of the Cherokee Nation are all these places ?
A In Sequoyah.
Q Have you all the time, since 1892, had reserved a furnished room for yourself in the Cherokee Nation ? A Yes sir, I have two places, one in the bottom, and one on the prairie. For the last four years I have been in the bottom.
Q How much of your time in the last ten years have you spent in the city of Fort Smith, Arkansas ?
A I suppose about two days in the week. I go there on business about the same as I did when my family lived in the Nation.
Q The rest of the time you spent in the Cherokee Nation ?
A Yes sir.
Q Have you, at any time since 1892, had any business interests in the city of Fort Smith ? A No sir, I haven't done a dollar's worth of business interest in my life in Fort Smith.
Q Has your business interests in the Nation occupied your time constantly during all that time ? A Yes sir, I have had more than I could do well.
Q Did you buy a home for your wife in Fort Smith ? A Yes sir.
Q Have your children been going to school in Fort Smith since they were large enough to go to school ? A Yes sir, that's one of the motives for going there; we had no schools.
Q Have you kept your children in school up to the present time in Fort Smith during the school year ? A Yes sir.

Q Were there any schools where you could have xxx sent them where you then resided in the Cherokee Nation ?
A No sir, not since '92.
Q Did you ever vote in the city of Fort Smith, or State of Arkansas ? A No sir, never voted in any State in my life.
Q Have you always voted in the National elections in the Cherokee Nation ? A Every election, except in '69, ever since I lived here.
Q Have you served on the juries in the Cherokee Nation ?
A Yes sir.
Q Did you ever serve on the jury in the State of Arkansas ?
A No sir.
Q Were you at one or more times summoned to serve on juries in the city of Fort Smith, in the Circuit Court there ?
A Yes sir.
Q Who was presiding judge at that time ?
A Edgar E. Bryant.
Q Were you sworn to answer questions in court ? A Yes sir.
Q What statement did you make, and with what result ?
A That I was a citizen of the Cherokee Nation, and not a citizen of Arkansas. The judge said of course I was not a competent juror and to stand xix aside.
Q Did you ever pay poll tax in the city of Fort Smith ?
A I paid poll tax once.
Q What was the circumstance ? A I was assessed without my knowledge, and when they went to collect it I objected to it, and the Sheriff insisted, and said I could protest it, and he would write the protest across the receipt.
Q It was just a dollar wasn't it ? A Yes sir.
Q Did he give you a receipt with your protest marked on it ?
A He did.
Q That's the only time you ever paid it ? A Yes sir, the only time I ever did. I was negligent in giving in my personal tax and they took it themselves.
Q When you moved your family what property did you take to Fort Smith ? A Part of my furniture, after leaving enough in my house over there.
Q What was the value of the furniture you left on the Cherokee side ?
A Worth about $150.00 on the two places.
Q Have you always kept that furniture over there ? A Yes sir.
Q And used it ? A Yes sir.
Q How are you living now, and have been living for the last two or three years ? A In the bottom, we hired a cook, and furnish board and rooms for the hands, and my son and I have rooms to ourselves.
Q You have got that room furnished ? A Yes sir.
Q How much of your time do you spend there ?
A I spend; in the spring I stay there nearly all the time and in potatoe planting time; and in the fall I put in the biggest part of my time at Muldrow.
Q How often do you go to Fort Smith to see your family ? And have for the last ten years ? A Once or twice a week. If I am busy I go Saturday evening and stay until Monday morning; not any oftener than I would go if they were living on this side, for my business has to be transacted there.
Q Have you kept a sort of a store there, a commisary on your farm ?
A Yes sir, I have kept one for ten years I reckon.
Q Do you run it yourself ? A Yes sir.
Q Have you acquired any other property besides that you mentioned, over there ? A I bought an adjoining piece of land to straighten out the lines last year.
Q How much did you give for that ?
A There's forty four acres, I gave $1100.00 for it cash.

Q Have you kept up your farms and improvements and everything in good shape ? A Yes sir.
Q Well, ~~mx~~ have you at any time ever had any intention of acquiring citizenship in the State of Arkansas ? A No sir.
Q Have you ever abandoned or intended to abandon your citizenship in the Cherokee Nation ? A No sir.
Q Have you always expressed yourself to your friends and everybody else, that you kept your citizenshop in the Cherokee Nation ?
A Yes sir.
Q Did you for for the treaty? Did you vote the last time in the treaty election ? A I voted in the election.
Q What is the total value of all the property you now own in the Cherokee Nation ? A I estimate it at $44,000.00.
Q What is the value of the land too ?
A Yes sir, that's the value of the clearing of the land.
Q That's the value of the improvements on the places, and the improvements you have put on them, including the breaking of it, and everything to date ? A Yes sir.
Q It stands you $43,800.00 ? A Yes sir.

Mr. Hutchings: I desire to introduce in evidence the following itemized statement:

Bottom farm, ...	$ 22,500.00	
Prairie farm, ...	4,000.00	
Houses, ...	5,000.00	
Machinery, ...	2,000.00	
Horses and mules, ...	3,000.00	
Muldrow gin, ...	3,500.00	
Bottom gin, ...	3,000.00	
Household goods, ...	300.00	
Cattle and hogs, ...	500.00	
	---------	$ 43,800.00
Residence at Muldrow, ...		200.00

		$ 44,000.00

Witness further examined by Mr. Hutchings as follows:

Mr. Hutchings: Doctor Bailey, whose certificate we have offered in evidence, had to go to New York on account of the illness of his wife, and for that reason he couldn't possibly come here.

The Commission: The applicant offers in evidence certificate of W. W. Bailey, M. D., under date of November 25, 1902.

By the Commission:

Q Mr. Alexander, your family have been in Fort Smith ever since 1892, have they ? A Yes sir.
Q With the exception of one year ? A With the exception of two or three months they come out on the lower prairie place and stayed there.
Q Your family have kept house in Fort Smith during all that time ?
A Yes sir.
Q You have paid taxes on your property in Fort Smith ?
A Yes sir.
Q You own a house in Fort Smith ? A Yes sir.
Q You pay taxes on that and on personal property you own there ?
A Yes sir.
Q You have spent the greater portion of your time, however, in the Cherokee Nation during that time ? A Yes sir.
Q How often, Mr. Alexander, do you go to Fort Smith, that is since your family has been living there ? A Well, about as often as my business requires me, about twice a week or once a week.

Q How far is your place from Fort Smith ? A The bottom place where I am staying now is about three miles. And I am six months at Muldrow. I stay there sometimes all the week and Sunday too.
Q These four childreum, Lillian, Maud, Fay and Kate, have been with your wife in Fort Smith all the time , until the ~~xxx~~ elder one went to Tahlequah ? A Lillian went to Columbia, Tennessee in '98.
Q Her home has been with your wife ? A Yes sir, until she left there to go to school.
Q Until she left there and went out on her own hook ?
A Yes sir. When she started off to school you might say, for she paid her own way.
Q Did you ever vote in Fort Smith ? A No sir.
Q Never voted in the State of Arkansas at all ? A No sir. I never voted any place in my life except in the Cherokee Nation.
Q You paid poll tax one time in the city of Fort Smith, and State of Arkansas ? A Yes sir.
Q Do you know what year that was ? A I do not; I think it was about three years ago, during that late Sheriff's last term.

By Mr. Hutchings;

Q What became of the receipt the Sheriff gave you ?
A I lost it.
Q State whether you have had it during the pendancy of this case ?
A Yes sir, I had it when I was here the second time.
Q It showed your protest on the face of it ? A Yes sir, and the reason for it, and the Sheriff states on it that he was compelled to collect it.
Q Have you served on the United States juries in the Indian Territory ? A Yes sir.
Q Where ? A At Wagoner. Three years ago I served, and was summoned ~~again~~ again last year and was excused on account of age.

WILLIAM H. WORRID, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hutchings:

Q State your name ? A William H. Worrid.
Q Where is your post office ? A Muldrow.
Q You are a citizen of the Cherokee Nation ? A Yes sir.
Q How long have you known Mr. Alexander, the applicant here ?
A I have known Mr. Alexander--well, nearly ever since I can remember. Twenty years I guess.
Q Do you know about the time his family removed to the city of Fort Smith ? A Yes sir, I know about what time.
Q State if you know about how he has lived since that time ?
A Since that time Mr. Alexander, since he moved his family to Fort Smith, has stayed at Muldrow. Now he comes to Muldrow about the first or the middle of September, as soon as the ginning season opens up he comes to Muldrow, and stays there the biggest part of the time; he is there and buys cotton, and he is there all the time continuously until about the last of January or first of February, the ginning season is over, and then in the spring of the year Mr. Alexander is on his farm, and is planting potatoes along about the first of April, and stays there on his farm and looks after his farm, and he has a little commissary there, and I think they furnish quite a good many people around the country. He has got a little store on the place. He has a residence there, and a place where he boards his hands, and a two story building, and he has his room there

and his furniture and bed, and he stays there the biggest part of his time. The fact of the business is he is over there, I guess, nearly every day .
Q If you should go to look for Mr. Alexander at any time, where would you go as his usual place of abode ? A I would go to the farm if he wasn't at Muldrow.
Q What proportion of his time do you consider he is in the Indian Territory at one of these places ? A At the very least, three-fourths of his time. At the very least, and maybe more. Sometimes probably he don't go to Fort Smith more than once a week.
Q Do you know whether he has had all this time, cattle, horses, and things of that sort over there ? A Yes sir, I suppose Mr. Alexander has between three and five thousand dollars worth of mules and horses there on his farm, and milk cows and hogs, and implements; he has got one of the very best farms in the country; I expect he has got more plow things, and things of that sort, more than all the rest of the farmers put together in that country; he buys the best tools, and up-to-date tools that people farm with. He is a very extensive potatoe raiser, and everything that comes out that he thinks would be of advantage, he buys it.
Q Did you ever know of his voting in the Cherokee Nation ?
A Yes Sir, I have been at the polls with him at different times.
Q And have seen him vote ? A Yes sir.

By the Commission:

Q How much of the time has Mr. Alexander's family spent in the Cherokee Nation since they went to Fort Smith ? A His family; now I can't say much about his family, his minor children or his family, of course his first set of children, they have been here in the Territory the biggest part of the time, Jos--
Q What you mean by his first set of children, is his children by his former wife ? A Yes sir.
Q So the residence of his wife; where his wife has been, and his children by his second wife, you don't know anything about where they have been ? A No sir.

HENRY HARDIN, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hutchings:

Q What is your name ? A Henry Hardin.
Q What is your post office address ? A Fort Smith.
Q How long have you known Mr. Alexander, the applicant here ?
A I have known Mr. Alexander a good long while, about fifteen years I reckon. I have been at work for him seven, or eight, or nine years.
Q When did you commence to work for him ?
A In 1894 I believe it was.
Q How long did you continue to work for him ?
A I worked for him up until 1897.
Q What were you doing for him ? A I was at work for him on the farm; farming for him; seeing after the farm for him when he wasn't there.
Q Were you working for him on the farm in 1898 ?
A I wasn't working for him in the year '97 though, that's the only year I have missed since 1894.
Q Where was Mr. Alexander during the year 1898 ?
A He was on the farm. He was on the prairie farm, and he was there a good deal of the time; in straw berry time he was there

pretty near all the time; he stayed there a good deal until ginning season, and then he went to Muldrow.
Q Where was he most of the time, so far as the Cherokee Nation is concerned, was he in the Cherokee Nation ? A Yes sir, I think so.
Q Where did he room ? A He roomed there at this place on the prairie, he kept a room there for himself.
Q Have his own furniture in it ? A Yes sir.
Q His house ? A Yes sir.
Q Do you know whether he kept any rooms for hands he hired, and does yet ? A He kept some bedding there, I guess, on that place. He keeps beds in the bottom.
Q Did he have any place furnished for himself and hands on the farm ? A Yes sir.
Q What sort of a house did he have down there ?
A Why he has a dwelling there with six or seven rooms to it.
Q All furnished with his furniture ? A Yes sir.
Q How much stock and things of that kind has he always had down there since you remember ? A I don't remember, I guess about thirty head of mules and horses, and a good many hogs and cattle.
Q Has he always had hogs, and cattle and stock since you have known him ? A Yes sir.
Q Over in the Cherokee ? A Yes sir.
Q During the time that you worked for him, which was '94-5-6 and 8, as I understand---- A Yes sir.
Q How much of the time did he spend in the Cherokee Nation ? And on his farms looking after his business ?
A I suppose he spent three fourths of the time.
Q You have been living since 1898 on what place ?
A On the bottom farm.
Q Has he spent about the same amount of time since then in the Cherokee Nation as before ? A Yes sir, he's there most every day, I see him around there.

By the Commission:

Q When did you commence to work for Mr. Alexander ? A In '94.
Q Where has his family been since '94 ? A In Fort Smith.
Q Practically all the time ? A Yes sir I think so.
Q Kept house there ? A Yes sir.
Q Mr. Alexander goes over to see them once or twice a week ?
A Yes sir.
Q Stays over the balance of the time to look after his farms and property in the Cherokee Nation ? A Yes sir.
Q Where was his family in the year 1898 ?
A They were in Fort Smith, I suppose.
Q They were there all during that year ? A They have never lived in the Cherokee Nation since I have been working for him, that I know of.

ANDREW RUSSELL, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hutchings:

Q What is your name ? A Andrew Russell.
Q What is your post office ? A Gans.
Q You are a citizen by blood of the Cherokee Nation ?
A Yes sir.
Q Ever hold any office in the Cherokee Nation ? A Yes sir.
Q What ? A Deputy Sheriff twelve years, and Judge of the district court three years.

Q Have you known Mr. Alexander during that time ? A Yes sir.
Q Was he clerk of the court there while you were holding office ?
A Yes sir, while I was deputy sheriff.
Q Has he always been recognized as a citizen of the Cherokee Nation?
A I never knew of anything to the contrary.
Q Do you know of his voting ? A Yes sir.
Q Do you know these places he has had down there ?
A Why yes, I am acquainted with them, I haven't been upon the bottom place for several years.
Q If you had occasion to look for him in these days where would you go to find him ? A At Muldrow or in the bottom.
Q Did you see enough of him to say what proportion of his time he spent in the Cherokee Nation looking after his interests there ?
A All the time so far as I know, occasionally I would go over to Fort Smith on Saturday, and see him, sometimes meet him on the road, and we would go into Fort Smith together; and sometimes I would meet him coming away from Fort Smith.
Q Has he ever had any business of any kind in Fort Smith so far as you know ? A No sir, he has not.

By the Commission:

Q Where do you live Mr. Russell ? A Gans, Cherokee Nation.
Q How far is that from where Mr. Alexander's farm is ?
A About fifteen miles.
Q Do you know where Mr. Alexander's wife and family have been for the last ten years ? A No sir, I haven't paid any attention to them, but I have heard that they was living away, but I don't know.
Q You haven't seen them over in the Nation ?
A No sir, I haven't lately.

J. B. GOODMAN, being duly sworn by the Commission, and examined, testified as follows:

Examined by Mr. Hutchings:

Q What is your name ? A J. B. Goodman.
Q What is your post office address ? A Muldrow.
Q How long have you known Mr. Alexander, the applicant ?
A Since 1886.
Q Did you ever work for him any ? A I worked in '94, I think, a month, for him. In October or September.
Q How close have you lived to him in the last seven or eight or ten years ? A About eight or nine miles I reckon it is; somewhere along there, I don't know; I live in close to Muldrow, and his farm is seven or eight miles below.
Q Did you ever see him at Muldrow any ?
A All the time during the winter season.
Q Do you know the years he had the straw berry farms ?
A Yes sir.
Q How much attention did he give to that ?
A He must have give pretty near all.
Q Do you know of his having property in the Cherokee Nation all the time for the last ten years ? A Yes sir, ever since I have known him.
Q Do you know about how much of his time he has spent at Muldrow, or how much he spent on the other farm ? A No sir, I can't get exactly at that, but all through the week while work was going on I could always see Mr. Alexander passing backwards and forwards at Muldrow and going to the farm.
Q During the week you saw him attending to his business in the Nation pretty much all the time ? A Yes sir.

Q What sort of work did you do for Mr. Alexander ?
A I started in to weigh cotton for him at the gin, and I was called for as a witness in a murder case at Fort Smith.

By the Commission:

Q Where is Mr. Alexander's wife and children been living for the last ten years ? A Actually I am not acquainted with Mr. Alexander's family.
Q You don't know where they are ? A No sir.

Mr. Hutchings: We desire to offer a certificate of J. T. Parks, executive secretary of the Cherokee Nation, showing that, for the years '95, '97, '99 and 1901, being regular elections, that Mr. Alexander's name appears on the records as a legal voter; and also as a legal voter in 1902;

We have the certificate of the deputy collector who collected poll tax from Mr. Alexander, and he states that it was paid under protest by Mr. Alexander; and listed without consulting him;

Also the certificate of the Mayor of Fort Smith, stating that Mr. Alexander took no part in politics in Fort Smith, and did not vote at elections;

Certificate, also, of one of the judges of election, Michael O'Connell, stating that he did not vote at elections in the 4th ward where he resided for the last ten years;

Also certificate of Matthew Gray, an election judge, and W. H. Jacobs, as election judge, during those times, that he did not vote in the ward where he resides;

And the certificate of Edgar E. Bryant, Judge of the Sebastian Circuit Court, that Mr. Alexander was summoned and excused as a juror, because he was a citizen of the Indian Territory, and not of the State of Arkansas.

The Commission: Applicant asks that letter, under date of November 25, 1902, addressed to the Commission to the Five Civilized Tribes, by T. M. Buffington, Principal Chief of the Cherokee Nation, be filed with the record in this case, and that it may be considered for what it may be worth.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this December 30, 1902.

S. R. Walkingstick
Notary Public.

C. F. B. Cherokee 1450.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 14, 1907.

In the matter of the application for the enrollment of Joseph H. Alexander as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Thomas J. Watts, representing applicant.

Joe Alexander being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Joe Alexander.
Q What is your age? A 33 years old.
Q What is your post office address?
A Fort Smith.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir.
Q What was the name of your father?
A Joseph H. Alexander.
Q Is he living or dead? A He is dead.
Q When did he die? A December 10, 1905.
Q He was a white man? A Yes sir.
Q He had no Cherokee blood that you ever heard of?
A No sir.
Q Your father, Joseph H. Alexander, is an applicant for enrollment before this office as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What was the name of your mother?
A Cherokee Alexander.
Q Is she living? A No sir.
Q When did she die? A She died in 1880.
Q Was she a Cherokee by blood? A Yes sir.
Q Since her death, your father married a second time?
A Yes sir.
Q What was the name of his second wife?
A Saphronia Duncan.
Q She is a Cherokee by blood? A Yes sir.
Q You know of your own prsonal knowledge, that from the time your father, Joseph H. Alexander, married Saphrenia Alexander, they lived together as husband and wife until his death?
A Yes sir.
Q Since you can first remember, did your father continuously reside in the Cherokee nation up to and including September 1, 1902?
A Yes sir.

BY MR. WATTS.

Q When did your father marry Saphronia Duncan?
A In April, '83.
Q Did he ever marry any other woman? A No sir.
Q Was he a resident of the Cherokee Nation at the time of his death?
A Yes sir.

C. F. B. Cherokee 1450.

J. H. Bowers being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A J. H. Bowers.
Q What is your age? A 68.
Q What is your post office address?
A Muldrow, Indian Territory.
Q Did you ever know a person in the Cherokee Nation by the name of Joseph H. Alexander?
A Yes sir.
Q Is he living? A No sir.
Q When did he die? A About a year ago.
Q When did you first become acquainted with him?
A 1868.
Q Was he a married man at the time of his death?
A Yes sir.
Q Did you know him before he was married?
A No sir; not before he married his first wife?
Q Did you know his first wife? A Yes sir.
Q What was her name? A Cherokee Alexander?
Q Do you know of your own personal knowledge when Joseph H. Alexander was married to Cherokee Alexander?
A No; he came from Texas with his first wife.
Q He was married to this woman in Texas?
A Yes sir.
Q And then removed to the Cherokee Nation?
A Yes sir; about Christmas, 1868.
Q Did you become acquainted with him soon after that?
A Yes sir; in a month after they moved into the country.
Q On his coming to the Cherokee Nation, was his wife, Cherokee, recognized as a citizen of the Nation?
A Yes sir.
Q It wasn't necessary for her to go before the Courts and be re-admitted?
A I don't think at that time.
Q Was she ever re-admitted?
A I don't know anything about that.
Q Did Joseph H. Alexander, after coming to the Cherokee Nation with his wife, Cherokee, secure a license and marry her in accordance with the law of the Cherokee Nation?
A That was my understanding; I lived in the same neighborhood.
Q You didn't see his license? A No sir.
Q You didn't see his petition? A No sir.
Q But it is your understanding that he did secure a license and that they were married in accordance with the laws of the Cherokee Nation?
A Yes sir.
Q Do you know of your own personal knowledge that since that time, Joseph H. Alexander enjoyed the rights and privileges of a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q He was always recognized as such?
A Yes sir.
Q Did he ever hold any office?
A Yes sir.

Q What office in the Cherokee Nation did he hold?
A Clerk of the District Court.
Q And other that you know of? A No sir.
Q What district was that? A Sequoyah District.
Q And it was in Sequoyah District that he secured his marriage license?
A Yes sir.
Q Can you give me approximately the date that he secured that last license?
A It was in '69.
Q When did Cherokee Alexander die?
A About '80.
Q From the time you became acquainted with them, did they reside together as husband and wife until the death of Cherokee Alexander?
A Yes sir.
Q After her death, did Joseph H. Alexander marry again?
A Yes sir; he married in two or three years.
Q What was the name of his second wife?
A Saphronia Duncan.
Q She is a Cherokee by blood? A Yes sir.
Q Joseph H. and Saphronia Alexander resided together as husband and wife continuously from the time of their marriage until the time of the death of Joseph H. Alexander?
A Yes sir.
Q And lived all these years in the Cherokee Nation?
A Yes sir.
Q Did Joseph H. Alexander to your knowledge ever marry any one besides these two women you have mentioned?
A No sir.

An examination of the original marriage records, Sequoyah district, Book "A", which is in the possession of the office, shows on page 11, that on February 4, 1869, license was issued by George Benge, Clerk Sequoyah District, Cherokee Nation, in accordance with the Cherokee law, authorizing the marriage of J. H. Alexander, a white man, and Mrs. C. C. Alexander, a Cherokee, and that said parties were united in marriage in accordance with the terms of said license, March 9, 1869, by Franklin Falkner, Judge Sequoyah District Court, Cherokee Nation.

Joseph H. Alexander is identified on the Cherokee authenticated tribal roll of 1880, Sequoyah District, number 8.

BY MR. WATTS.

Q Mr. Bowers, at the time you speak of Mr. Alexander coming to the Cherokee Nation from Texas, were you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Do you know whether or not J. H. Alexander from the time of his marriage in '69 to the time of his death, exercised the rights of citizenship in the Cherokee Nation by voting?
A Yes sir; I registered his name several times.
Q Did you ever serve as an election officer of the Cherokee Nation prior to November, 1875?
A Yes sir; in August, '75.
Q When was it that Mr. Alexander was elected to office in the Cherokee Nation?
A In August, '75.

Q Did he enter upon the duties of that office?
A Yes sir.
Q Did he fill out his term of office?
A Yes sir.

C. A. Fargo being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A C. A. Fargo.
Q What is your age? A 60.
Q What is your post office address?
A Muldrow.

BY MR. WATTS.

Q Did you know Joseph H. Alexander during his life time?
A I did.
Q When and where did you first get acquainted with him?
A At his place of residence and around through the neighborhood in 1869.
Q In what district? A Sequoyah District.
Q How far did you live from Mr. Alexander?
A About 5 miles.
Q Do you have any recollection of his marriage to his first wife?
A No; I don't know anything about his marriage. I know he was around getting up a petition to marry.
Q Did you see that petition? A Yes.
Q Where were you, Mr. Fargo, when you saw it?
A I was at home. He came there with it getting signers.
Q Can you state the name or names of any that signed that petition?
A Well, I know I signed it, and my brother Calvin Fargo signed it.
Q Can you state about what year it was that you signed that petition?
A I think it was along in February of '68 or '69.
Q You can't be certain as to the exact time?
A No sir.
Q Do you know whether or not Mr. Alexander went ahead and procured his license and married?
A I understood he did.
Q Do you know whether or not he was recognized by the citizens of the Cherokee Nation as a member of the Tribe?
A Yes sir; he was.
Q Do you know whether or not he exercised the rights and privileges as a citizen of the Cherokee tribe?
A He did.
Q In what particular or particulars did he do so?
A Well, he was our clerk of Sequoyah district.
Q When was he elected Clerk?
A I think in '75.
Q In what month of the year, under the law, did you hold those elections?
A First Monday in August.
Q Then state in what month in '75 Mr. Alexander was elected to office?
A The first Monday in August, '75.

Q Do you know whether or not he entered upon the duties of that office and filled the term of office to which he was elected?
A Yes sir.
Q Do you know whether or not Mr. Alexander lived continuously in the Cherokee Nation from the time of your acquaintance with him in 1868 or 1869, to the time of his death?
A Yes sir; he resided there continuously.
Q When did he die?
A I think he died in 1904.
Q You can't be positive as to the exact time?
A No sir.
Q Is his first wife living? A No sir.
Q Did he ever marry again? A Yes.
Q To whom? A Saphronia Duncan.
Q Did he ever marry to any other woman?
A Not that I know of.
Q How close did you live to him?
A Well, part of the time I only lived about three miles; I was living where I am now; part of the time I was down in the bottom; I was about five miles from him there.
Q Will ask you if from the time of your acquaintance with Mr. Alexander up to the time of his death, he exercised the rights of an elector in the Cherokee Nation by voting?
A Yes sir.

ON BEHALF OF COMMISSIONER.

Q You didn't know Joseph H. Alexander prior to the time he removed from Texas to the Cherokee Nation?
A No sir.
Q You can't testify then as to whether Cherokee Alexander was his first wife or not?
A No sir.
Q But you never did hear anything to the contrary?
A No sir.
Q You never heard that Cherokee Alexander was ever married prior to her marriage to Joseph H. Alexander?
A No.

John Faulkner being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A John Faulkner.
Q What is your age? A 59.
Q What is your post office address?
A Muldrow.
Q Did you know one Joseph H. Alexander during his life time?
A Yes sir.
Q When did he die?
A It has been over two years.
Q Since September 1, 1902? A Yes sir.
Q When did you first become acquainted with him?
A About '69.
Q Was he married at that time?
A He got married; my father told me he married him but I can't recollect the date.

Q What was his wife's name? A I can't state.
Q What was your father's name? A Frank Faulkner.
Q Your father, Frank Faulkner, was Judge of Sequoyah District Court and married Joseph H. Alexander?
A Yes; that's what he told me.
Q You don't remember just the year?
A It was in '69; I can't recollect the date.
Q Did you know these parties subsequent to that time?
A Yes sir.
Q Since the marriage of Joseph H. Alexander in 1869, you have been personally acquainted with him?
A Yes sir.
Q Has he lived since that time in the Cherokee Nation?
A I think so; probably he might have taken his family over to school them; he was continually on his farm though.
Q But the Cherokee Nation has been his home since that time?
A Yes sir.
Q When did his first wife die?
A I can't recollect; about '80 or '81.
Q After her death, did he marry?
A Yes sir.
Q What is the name of his second wife?
A Saphronia Duncan.
Q She is a Cherokee by blood? A Yes sir.
Q These two women, Cherokee Alexander and Saphronia Alexander, are the only wives that Joseph H. Alexander to your knowledge ever had?
A Yes sir.

An examination of the Cherokee authenticated tribal roll of 1880 shows that Cherokee Alexander is identified on said roll at Page 680, Number 9, Sequoyah District, marked "dead".

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 19th day of January, 1907.

John E. Tidwell
Notary Public.

E C M Cherokee-1450.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOSEPH H. ALEXANDER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muldrow, Indian Territory, August 15, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Joseph H.Alexander as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 27, 1902, October 29, 1902, October 31, 1902, December 22, 1902 and January 14, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Joseph H. Alexander, a white man, was married in accordance with Cherokee law March 9, 1869 to one Cherokee Alexander, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Sequoyah District, Page 680, No.9, as a native Cherokee; that from the time of said marriage until the death of said Cherokee Alexander, which occurred in 1880, the said Joseph H. Alexander and Cherokee Alexander resided together as husband and wife and continuously lived in the Cherokee Nation. It is further shown that on April 1, 1883 the said Joseph H. Alexander was married to one Saphronia Alexander, nee Duncan, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Sequoyah District, Page 692, No.399 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 3941; that from the time of said marriage the said Joseph H. Alexander and Saphronia Alexander resided together as husband and wife, and that said Joseph H. Alexander continuously remained a resident of the Cherokee Nation, until his death on December 10, 1905. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States Nos. 125, 126, 127 and 128, the said applicant, Joseph H. Alexander, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 19 1907.

Cherokee 1489.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, In dian Territory.

Dear Sir:

There is enclosed herewith copy of the decision ofthe Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application forthe enrollment of Joseph J. Alexander as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Enc I-108.

RPI

Cherokee 1450.

Muskogee, Indian Territory, February 19, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Joseph H. Alexander as a citizen by intermarriage of the Cherokee wation. Time for protesting said is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 1450

Muskogee, Indian Territory, February 19, 1907.

Sophronia Alexander,

Fort Smith, Arkansas.

Dear Madam:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for the enrollment of your husband, Joseph H. Alexander, as a citizen by intermarriage of the Cherokee Nation. Your attorney, W. P. Thompson, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commissioner's decision.

You will be advised when thename of your husband has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Enc I-110

RPI

Cherokee 1480

Muskogee, Indian Territory, February 19, 1907.

W. P. Thompson,

Attorney for Joseph H. Alexander,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for the enrollment of Joseph H. Alexander as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

Respectfully,

Enc I-109 Commissioner.

RPI

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Cher IW 199

A. 2464

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1900

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Pryor Creek, I.T., Sept. 11, 1900.

In the matter of the application of John H. Baugh for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your full name? A John H. Baugh.
Q What is your age? A Seventy-five years the 3rd day of last March.
Q What is your post-office? A I am receiving my mail now at Muskogee; I formerly lived at Chouteau, and get a good deal of mail from Chouteau that is forwarded down.
Q But you call your post-office now Muskogee? A Yes sir, at the present time I am staying down there with my son.
Q What district do you call your district? A Coowescoowee.
Q You wish to make application for the enrollment of yourself?
A Yes sir.
Q Any one else? A No one.
Q Do you apply as a Cherokee by blood? A No sir.
Q Intermarriage? A Yes sir.
Q Have you a marriage license? A No sir.
I was married before there was any license law here.
Q Were you married before 1890? A Oh, yes, I was married in 1854.
Q You claim under that marriage? A Yes sir.
Q Is your wife still living? A Oh, no, dead.
Q Have you ever married since? A No, I was married at that time and I went then - they made this marriage law shortly after I was married and I went then to the District Clerk and qualified to all that was necessary in regard to intermarriages in this country.
Q You married in 1854 and that's the marriage you claim under?
A Yes sir.
Q And that wife is dead is she? A Yes sir, she died in 1871.
Q Have you ever re-married? A No sir.
Q Never married since the wife you married in 1854 died?
A Never have.
Q You are not married at this time? A No sir.
Q Have you continued to make your residence in the Cherokee Nation ever since 1880? A Yes sir, of course I sometimes go out on account of my health; take a little trip around.
1880 roll page 73 #361 J. H. Baugh Coowescoowee District;
1896 roll page 294 #39 John H. Baugh Coowescoowee District, adopted Cherokee.
Q Give me the name of your father? A My father's name was Mitchell Baugh.
Q White man? A Yes sir.
Q He is dead is he? A Yes sir.
Q What is your mother's given name? A Cynthia.
Q She is a white woman? A Yes sir.
Q Is she dead or alive? A They are dead.

Com'r Breckinridge: The applicant is identified on the roll of 1880 and also on the roll of 1896 as a Cherokee by adoption; his Cherokee wife is dead, but he has never remarried; he has lived continuously in the Cherokee Nation since 1880 and he will be listed now for enrollment as a Cherokee by adoption.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcrip of his stenographic notes thereof. M D Green
Subscribed and sworn to before me this 11 day of Sept 1900.

C A Bruce
Commissioner

2464 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1900

ACTING CHAIRMAN

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 11 1900 1900.

(75) Name John H. Baugh, Muskogee, I.T.

District COOWEESCOOWEE. Year 1880 Page 73 No. 36

Citizen by blood No. Mother's citizenship Mitchell Baugh - white - dead

Intermarried citizen No. Parents { Agnitha " - " - "

Married under what law , Date of marriage 1854

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

On 1880 Roll as J.H. Baugh

X 2464

Cherokee 8464.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1902.

In the matter of the application of John H. Baugh for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John H. Baugh.
Q What is your age at this time? A 77 years old last March.
Q What is your postoffice address? A This town, Muskogee.
Q Are you the same John H. Baugh who made application for enrollment to this Commission as an intermarried citizen on September 11, 1900? A At Pryorcreek, yes sir.
Q What is your Cherokee wife's name? A Her name was Bryant, Charlotte Bryant.
Q Is she living or dead? A She died in 1871.
Q When were you and she married? A We were married in July, '54.
Q Did you and she live together from the time of your marriage until her death? A We did.
Q She died prior then to the making of the 1880 roll? A Yes sir.
Q Have you ever remarried any one since her death? A Never have.
Q You remained single from the time of her death until the present time? A Yes sir.
Q Were you a widower on the first day of September, 1902? A I was and am yet.
Q You have lived in the Cherokee Nation all the time since 1880?
A I come to the Cherokee Nation in '53 and I lived there up until the war and then I drifted out to Red River and after the war I lived in Mexico and stayed two years, and then I came to the Cherokee Nation and lived until three years ago when I come to this nation (Creek). I was in the drug business at Chouteau until three years ago.
Q Were you in the Cherokee Nation in 1880? A Yes sir.
Q Did you remain there until three years ago? A Yessir.
Q And the last three years you lived in the Creek Nation, Muskogee?
A Yes sir.
Q But still in the Indian Territory? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger.

Subscribed and sworn to before me this 21st day of October, 1902.

B. Jones
Notary Public.

Cherokee Field Card
No.2464.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, INDIAN TERRITORY, JANUARY 3, 1907.

IN THE MATTER of the application for the enrollment of John H. Baugh, as a citizen by intermarriage of the Cherokee Nation.

JOHN H. BAUGH, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A John H. Baugh.
Q How old are you? A I will be 82 3rd day of March.
Q What is your postoffice address? A Muskogee.
Q You claim citizenship in the Cherokee Nation by intermarriage, do you? A Yes sir.
Q Through whom do you claim such citizenship? A Charlotte E. Bryan.
Q Is she living? A No sir, she is not.
Q What was her citizenship? A She was a Cherokee by blood.
Q When were you married to her? A I was married the 19th day of July, 1854.
Q Where were you married? A Married at J. M. Bryan's, her father's place.
Q What District? A Saline at that time.
Q Were you married under a Cherokee license? A No sir, there was no license law at that time I was married. The license law was passed after that time, and then I went before the District Clerk and made affidavit to support the constitution of the Cherokee Nation, that was the oath that was required by intermarried citizens.
Q By whom were you married? A I was married by David Foreman, a minister of the Gospel and a half-breed Cherokee.
Q Was your marriage to her in accordance with the customs of the Cherokee Nation at that time? A It was.
Q Was any one present at this marriage? A. Yes, Mrs. Lindsey.
Q Any one else? A No one living that I know of, except a colored man upon Lynch's Prairie, and some very small children, that couldn't recollect about the matter.
Q When did your wife die? A She died in March 1871.
Q Did you live with her continuously from the date of your marriage until the time of her death? A Yes sir.
Q In the Cherokee Nation? A Yes sir, part of the time. We wasn't here all the time. The civil war came up and of course we had to drift down, - in the Choctaw Nation part of the time.
Q Was your wife identified on any Cherokee rolls?
A She was on the old settler's rolls and drew money on the old settler payment.

ON BEHALF OF THE COMMISSIONER:

The applicant, John H. Baugh, is listed for enrollment on Cherokee card field No. 2664. He is identified on the 1880 authenticated roll of citizens of the Cherokee Nation as J. H, Baugh, opposite No. 361, Coowees Coowee District.

(Witness dismissed).

MARIAH LINDSEY, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Mariah Lindsey.
Q What is your age? A Sixty-four.
Q What is your postoffice address? A Choteau.
Q Are you a citizen of the Cherokee Nation by blood?
A Yes sir.
Q Do you know John H. Baugh? A Yes sir.
Q Were you present at his marriage? A Yes sir.
Q Where and to whom was he married? A Married to my sister Charlotte Bryan.
Q Where were they married? A Saline Postoffice, - Saline District, now Coowees Coowee District.
Q What year was it? A 1854, - I am not sure. I wasn't grown then, I wasn't more than twelve years old then I guess.
Q Do you know whether they were married under a Cherokee license? A I don't think they had any license then.
Q By whom were they married? A David Foreman, Cherokee minister.
Q Is his wife living? A No sir.
Q When did she die? A I don't know exactly. She has been dead, about. I don't know exactly, - I can't tell you how long ago it has been.
Q Did Baugh and his wife live together continuously in the Cherokee Nation from the time of their marriage up until her death? A Yes sir.
Q As husband and wife? A Yes sir.
Q Held themselves out to the community as such? A Yes sir.
Q Was their marriage in accordance with the customs and laws of the Cherokee Nation at that time? A Yes sir.

(Witness dismissed).

R. W. LINDSEY, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A R W Lindsey.
Q What is your age? A Seventy-four.
Q What is your postoffice address? A Choteau.
Q Do you know John H. Baugh? A Yes sir.
Q How long have you known him? A Forty-seven years.

Q When was he married? A I can't tell.
Q Do you know to whom he was married? A Yes, Charlotte Bryan.
Q Is she related to you in any way? A She is my wife's sister.
Q When was she married to Mr. Baugh? A I can't tell you, more than hearsay, sir.
Q Please state, Mr. Lindsey, what if anything you know respecting this marriage? A. In the first place I will state since I have known Mr. Baugh he has been recognized as a citizen of the Cherokee Nation and as he states he was married before there was a marriage law, and whilst I have a pretty good memory with those matters, they had a certain date I think it was 1886, they passed this intermarriage law with those restrictions, and then after that they required men who had been married to go before the District Clerk, and take the oath to support the constitution and laws of the Cherokee Nation, in accordance with the oath that was taken in the intermarriage law. They required in addition a signed petition for a party to get married legally. And then to take the oath to support the constitution. In accordance with this act to enable those who married prior had to go before the District Clerk and take this oath.
Q Do you know any of the signers of that petition? A. He had none. This was previous to this license law.

(Witness dismissed).

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on January 3, 1907, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof taken on said date.

S T Wright

Subscribed and sworn to before me this January 4th, 1907.

A P Ramm

NOTARY PUBLIC.

Cherokee-2464.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John H. Baugh as a citizen by intermarriage of the Cherokee Nation.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Pryor Creek, Indian Territory, September 11, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of John H. Baugh as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 3, 1902 and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John H. Baugh, a white man, was married on July 19, 1854, to one Charlotte E. Baugh, nee Bryan, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation; that said applicant, John H. Baugh, claims his right to enrollment as a citizen of the Cherokee Nation by reason of his said marriage; that at the time of said marriage there was no law in force in the Cherokee Nation requiring white men marrying Cherokee women to obtain a license before marrying or to take an oath of allegiance to the Cherokee Nation; that after the passage of the license Act of October 15, 1855, which required, among other things, that a white man so marrying should first obtain a license and take a certain oath of allegiance prescribed by that act, it was the custom in the said Cherokee Nation to require , as to intermarried white men who had, previous to the passage of said act married their Indian spouses, that they take the oath of allegiance before becoming recognized citizens by intermarriage of the Cherokee Nation and that upon the taking of said oath, the said white man who had lawfully married prior to October 15, 1855, became and were recognized as intermarried white citizens of the Cherokee Nation; that soon after the passage of the Act of October 15, 1855, John H. Baugh went before a district clerk of the Cherokee Nation and took the oath prescribed by that act; that from the time of his marriage in 1854 until the death of said Charlotte E. Baugh, which occurred in March, 1871, the said John H. Baugh and Charlotte E. Baugh resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Charlotte E. Baugh the said John H. Baugh has remained unmarried and continuously lived in the Cherokee Nation since

1854. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al, vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John H. Baugh, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 19 1907.

Cherokee
2464

Muskogee, Indian Territory, December 24, 1906.

John H. Baugh,

Muskogee, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

JMK

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

LAND
7838-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated January 19, 1907, relative to the placing of the names of certain white intermarried citizens, who are entitled to enrollment under the decision of the United States Supreme Court in the case of Daniel Red Bird, et al. vs. the United States, on a separate roll with a separate series of numbers.

On January 19, 1907, the Office forwarded to the Department the Commissioner's report in the matter of the applications for enrollment as intermarried Cherokee citizens of Queen Watkins, et al. and John L. Bates, et al., and recommended that their applications be denied in accordance with Commissioner Bixby's decision.

The Commissioner reports that the names of 1143 applicants for enrollment as citizens by intermarriage of the Cherokee Nation appear on the approved partial roll of Cherokee citizens; and that all of these persons were embraced in the decisions forwarded to the Department on January 19, 1907, except the following 192 ap-

plicants, whose names appear on the roll opposite the numbers following their respective names:

George W. Scott	22178	Joel Kelly	22465
George W. Elliot t	22181	Jane Crittenden	22501
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Solon James	22217	Samuel L. Johnson	22550
Roxie L. Freeman	22234	James M. Cloud	22551
Thomas D. Chatham	22254	Ellen E. Morris	22553
John W. Chandler	22256	Anna B. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22306	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Bean	22611
Francis M. Conner	22313	Rebecca M. Bigbey	22622
John J. Smith	22315	Solon H. Roberts	22645
Lee B. Smith	22326	Demaris Goss	22654
Louis L. Duckworth	22334	Jane Rider	22655
William Crowder	22353	John R. Allison	22665
William R. Quarles	22390	Sarah L. Price	22682
Emily L. Brown	22428	John W. Johnson	22683
John F. M. Christie	22429	John W. Goss	22685
John Scott	22433	Talitha J. Adair	22692

Nancy Welch	22434	Gaines C. Smith	22716
John D. Smith	22436	Argyle Quesenbury	22723
George Bradley	22724	Rebecca Hood	23172
Emma C. Wheeler	22733	Pyrena Harris	23183
Missouri I. Ross	22773	John H. Eiffert	23190
Polly Henson	22827	Nancy H. McAllister	23191
Lizzie Lee	22846	George W. Williams	23204
James K. Pemberton	22883	John Robinson, Sr.	23206
John W. Breedlove	22946	Emeline Weaver	23241
Simeon Eldridge	22970	Ella E. Fields	23242
Florian H. Nash	22973	Adeline Ratlinggourd	23260
Stephen N. Carlile	22979	Martha Kelley	23273
Jerry H. Vestal	22995	Harvy Lindsy	23285
Solomon Bragg	23024	Daniel Harmon	23292
Thomas J. Ayers	23025	Martha Harris	23302
Nancy Cordray	23036	Clement Hayden	23344
Charles E. Willey	23038	John H. Baugh	23361
French Miller	23041	Mary A. Raper	23384
John F. Vanhoy	23042	David G. Thompson	23401
Edwin Wren	23045	Riley W. Lindsey	23414
Patrick Foley	23065	Melcenna Bibles	23443
William Winton	23076	Albert G. Gass	23514
William Jackson	23100	Cynthia A. Fields	23538
Sarah E. McDonald	23107	John C. Hogan	23543

Charles Bray	23118	George W. Williams	23615
Louisa J. Sloan	23144	Tredwell S. Remsen	23622
Daniel Young	23166	Samuel C. Glenn	23625
Matilda Sturdivant	23627	Louisa J. Trott	24057
Sarah B. Cheek	23628	John T. Scot t	24064
Stacy E. Perry	23632	Martha L. Knight	24074
Addie Chouteau	23687	Margaret M. Woodal l	24116
Nancy E. Rogers	23696	John T. Brackett	24122
Daniel K. Wetzel	23710	John Swain	24124
Jesse A. Thomas	23724	Thomas Howie	24148
Cabel Conner	23725	Caroline B. Fields	24170
Martha A. Miller	23733	Robert K. Nix	24195
Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trout	23781	Lucinda J. Craig	24245
Eliza F. Ward	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jincy J. England	23818	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Taylor	23879	Huff D. Coats	24309
Frank Skinner	23903	Naoma A. Sloan	24326
Lewis Moore	23907	Michal Mulcare	24329

Elzada Taylor	23912	Mary C. McGhee	24332
Edward B. Frayser	23931	Milton E. McCullough	24342
James O. Hall	23932	George A. Armstrong	24348
Burgess G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander M. Anderson	24399
Marion Holderman	24405	Charles M. Beavers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett G. James	24422	Alfred Foyil	24661
William H. Brown	24458	Elizabeth E. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Denbo	24741
Andrew H. Norwood	24527	Murdoch McLeod	24746
Jacob H. Bartles	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P. Howell	24801
Mary B. Bible	24560	Charles H. Franks	24805
James Thornbrugh	24561	Charles H. Bacon	24810
Holland L. Parrish	24573	Greenville P. Hefflefinger	24860
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24886
James G. Mehlin	24600	John H. Baker	24918
Rufus M. Allen	24605	Marion W. Couch	24926
Alfred M. Gott	24608	Edward Byrd	24961
Micajah H. Phillips	24626	John T. McSpadden	25003
William H. McAnally	24629	Amanda Beck	25004

D. H. Flournoy 24637 John P. Drake 25006

The Commissioner says that all these persons are differently classified from those enbraced in the decisions previously forwarded to the Department, and a separate decision will be rendered in each case.

The Supreme Court of the United States, in its decision in the Daniel Red Bird case, held that white persons who intermarried with citizens by blood of the Cherokee Nation in accordance with Cherokee law,, prior to November 1, 1875, are entitled to enrollment and have equal per capita rights with Cherokee Indians by blood in the lands constituting the public domain of the Cherokee Nation, and are entitled to be enrolled for that purpose, but such intermarried whites acquired no rights and have no interest or share in any funds belonging to the Cherokee Nation except where such funds were derived by lease, sale or otherwise, from the lands of the Cherokee Nation conveyed to it by the United States by the patent of December 1838.

Under this decision, therefore, intermarried white persons entitled to enrollment as citizens of the Cherokee Nation have a different status from all other Cherokee citizens, and in order to avoid confusion and simplify the matter of the enrollment of such citizens, the Commissioner recommends that the names of all the applicants herein named be stricken from the approved partial roll of Cherokee citizens retained in the Department and in this-

Action, and that he be authorized to take similar action on the header of the roll in the performance of his duties.

In the opinion of the hearing, this method will avoid confusion in the future, and it is recommended that this Office and the Commissioner be authorized to adopt/method suggested by him.

Very respectfully,

G. F. Lawrence,

Acting Commissioner.

LFG-EH

D.C. 8779-1907. J.F Jr.

DEPARTMENT OF THE INTERIOR, LLB

DIRECT WASHINGTON.

I.T.D.2444-1907. February 9, 1907.
LRS.

SPECIAL.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 5, 1907 (Land 7538), the Indian Office transmitted your report dated January 19, 1907, in the matter of certain persons who are enrolled as citizens by intermarriage of the Cherokee Nation.

You refer to the decision of the United States Supreme Court in the case of Daniel Red Bird et al. vs. the United States (203 U.S., 76), and state that in accordance with said decision you have recommended that the names of 1,143 applicants, by reason of intermarriage, should be stricken from the partial roll of Cherokee citizens.

Your recommendation with regard to these persons was approved by the Department on January 26, 1907.

You now transmit the names of 193 persons who are entitled to certain rights in the Cherokee Nation by reason of intermarriages which took place with citizens by blood of the Cherokee Nation in accordance with Cherokee laws prior to November 1, 1875, and who by reason of said marriages are entitled to

certain rights in and arising from the lands of the Cherokee Nation.

In view of the different status of these persons you state that you intend to render a separate decision in each case.

To avoid confusion you recommend that authority be granted for striking the names of the 193 persons named from the approved partial roll of the Cherokee Nation, and that those of the persons named who may be found hereafter entitled to enrollment shall be placed upon separate schedules under a new series of numbers.

The Indian Office concurs in your recommendation. A copy of its letter is included.

You are advised that the Department has this day stricken the names of the following persons, which appear opposite the numbers after their names, from the approved partial roll of Cherokee citizens in its possession:

George W. Scott	22178	Joel Kelly	22465
George W. Elliott	22181	Jane Crittenden	22501
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Solon James	22217	Samuel L. Johnson	22550
Roxie L. Freeman	22234	James M. Cloud	22551
		Ellen E. Morris	22553
John W. Chandler	22256	Anna E. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22306	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Bean	22611

Francis M. Conner	22313
John J. Smith	22315
Lee B. Smith	22326
Louis L. Duckworth	22334
William Crowder	22353
William R. Quarles	22390
Emily L. Brown	22428
John F. M. Christie	22429
John Scott	22433
Nancy Welch	22434
John D. Smith	22436
George Bradley	22724
Emma C. Wheeler	22733
Missouri I. Ross	22773
Polly Henson	22827
Lizzie Lee	22846
James K. Pemberton	22883
John W. Breedlove	22946
Simeon Eldridge	22970
Florian H. Nash	22973
Stephen N. Carlile	22979
Jerry H. Vestal	22995
Solomon Bragg	23024
Thomas J. Ayers	23025
N ancy Cordray	23036
Charles E. Willey	23038
French Miller	23041
John F. Vanhoy	23042
Edwin Wren	23045
Patrick Foley	23065
William Winton	23076
William Jackson	23100
Sarah E. McDonald	23107
Charles Bray	23118
Louisa J. Sloan	23144
Daniel Young	23166
Matilda Sturdivant	23627
Sarah B. Cheek	23628
Stacy E. Perry	23632
Addie Chouteau	23687
Nancy E. Rogers	23696
Daniel K. Wetzel	23710
Jesse A. Thomas	23724
Cabel Conner (Caleb)	23725
Martha A. Miller	23733
Rebecca M. Bigbey	22622
Solon H. Roberts	22645
Demaris Goss	22654
Jane Rider	22655
John R. Allison	22665
Sarah L. Price	22682
John W. Johnson	22683
John W. Goss	22685
Talitha J. Adair	22692
Gaines C. Smith	22716
Argyle Quesenbury	22723
Rebecca Hood	23172
Pyrena Harris	23183
John H. Eiffert	23190
Nancy H. McAllister	23191
George W. Williams	23204
John Robinson, Sr.	23206
Emeline Weaver	23241
Ella E. Fields	23242
Martha Kelley	23273
Harvy Lindsy	23285
Daniel Harmon	23292
Martha Harris	23302
Clement Hayden	23344
John H. Baugh	23361
Mary A. Raper	23384
David G. Thompson	23401
Riley W. Lindsey	23414
Melcenna Bibles	23443
Albert G. Gass	23514
Cynthia A. Fields	23538
John C. Hogan	23543
George W. Williams	23615
Tredwell S. Remsen	23622
Samuel C. Glenn	23625
Louisa J. Trott	24057
John T. Scott	24064
Martha L. Knight	24074
Margaret M. Woodall	24116
John T. Brackett	24122
John Swain	24124
Thomas Howie	24148
Caroline B. Fields	24170
Robert K. Nix	24195

Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trout	23781	Lucinda J. Craig	24245
Eliza F. Wendt	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jincy J. England	23818	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Taylor	23879	Huff D. Coats	24309
Frank Skinner	23903	Naoma A. Sloan	24326
Lewis Moore	23907	Michal Mulcare	24329
Elzada Taylor	23912	Mary C. McGhee	24332
Edward B. Frayser	23931	Milton H. McCullough	24342
James O. Hall	23932	George A. Armstrong	24348
Burges G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander M. Anderson	24399
Marion Holderman	24405	Charles M. Beavers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett G. James	24422	Alfred Foyil	24661
William H. Brown	24458	Elizabeth E. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Denbo	24741
Andrew H. Norwood	24527	Murdoch McLeod	24746
Jacob H. Bartles	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P. Howell	24801
Mary E. Bible	24560	Charles H. Franks	24805
James Thornbrugh	24561	Charles H. Bacon	24810
Holland L. Parrish	24573	GreenvilleP.Hefflefinger	24860
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24886
James G. Mehlin	24600	John H. Baker	24918
Rufus M. Allen	24605	Marion W. Couch	24926
Alfred M. Gott	24608	Edward Byrd	24961
Micajah H. Phillips	24626	John T. McSpadden	25003
William H. McAnally	24629	Amanda Beck	25004
D. H. Flaurnoy	24637	John P. Drake	25006.

The Indian Office has been requested to take similar action upon the rolls retained by it, and you are authorized to cancel said names from the rolls in your possession.

Your attention is called to the fact that authority was granted on January 26, 1907, for the cancellation of the name of Thomas D. Chatham, opposite No. 22254, and of Adeline Ratlinggourd, opposite No. 23260, which ~~you~~ now again recommend for cancellation. Apparent typographical errors in the roll numbers have been corrected in three instances.

You are instructed to prepare and transmit for departmental action new schedules, with a new series of numbers, containing the names of those persons who may be found to be entitled to enrollment.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

A.F.Mc.
2-12-07.

Cherokee 2464.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for the enrollment of John H. Baugh as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

RPI

Enc I-100

Cherokee 2464.

Muskogee, Indian Territory, February 19, 1907.

The Commissioner to the FiveCivilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision, enrolling John H. Baugh as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

F. F. Hastings

Attorney for the Cherokee Nation.

Cherokee 2464.

Muskogee, Indian Territory, February 19, 1907.

John H. Baugh,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Enc I-101

RPI

Cher IW 200

Cher IW 200

2979

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 18th, 1900.

IN THE MATTER OF THE APPLICATION OF Caleb Conner, wife and grand son for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Caleb Conner.
Q What is your age? A Sixty one.
Q What is your Postoffice? A Afton.
Q What is your District? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir.
Q By intermarriage? A Yes sir.
Q For whom do you apply for enrollment? A Myself, wife and one grand son.
Q You say you are a white man? A Yes sir.
Q Your father and mother are non citizens? A Yes sir.
Q What is the name of your wife? A My present wife is Lucy Jane Conner.
Q Is she a citizen by blood? A Yes sir.
Q What was her name before you married her? A Countryman.
Q When did you marry her? A In 1880.
Q Were you married before that to any one? A Yes sir.
Q What was the name of your first wife? A Mary Ann.
Q Mary Ann what? A Gary.
Q Was she a citizen by blood? A Yes sir.

Q Is she living? A No sir.
Q What is the name of Lucy Jane Countryman's father? A I can not tell you.
Q Is he living? A No sir., I believe his name was John.
Q What is the name of her mother? A I do not know.
Q Is she living? A No sir.
Q What is the age of your wife? A About fifty.
Q What degree of blood do you claim for her? A I am not able to tell you.
Q You say she is a citizen by blood? A She was always recognized to be, and always claimed to be.
Q What are the names of your children at home? A I have one grand son.
Q What is his name? A Caleb Willis Cowels.
Q How old is he? A He was nineteen his last birth day.
Q What is the name of his father? A Cowells; Frank Cowells.
Q Was he an Indian by blood? A No sir.
Q What was the name of his mother? A Jane Conner.
Q Is she living? A No sir.
Q Was she a citizen by blood? A Yes sir.
Q She afterwards married Frank Cowelss? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir; I guess it is.

(1880 Roll, Page 78, #467, Caleb Conner, Cooweescoowee Dis't)
(1880 Roll, Page 78, #468, Lucy Conner, Cooweescoowee Dis't)
(1896 Roll, Page 567, #101, Caleb Conner, Delaware District)
(1896 Roll, Page 447, #501, Lucy Jane Conner, Delaware District)
(1896 Roll, Page 447, #502, Caleb Willis Cowells, Delaware)
(1880 Roll, Page 236, #545, Jane Cowells, Delaware District)

Q Is the Caleb Willis Cowells, for whom you apply for enrollment the son of Jane Cowells, whose name appears upon the authenticated roll of 1880? A Yes sir.
Q And Frank Cowells is his father? A Yes sir.
Q And the name of Frank Cowells appears upon the roll of 1880?
A Yes sir.

The name of Caleb Conner appears upon the authenticated roll of 1880, as well as the census roll of 1896, as an intermarried white. The name of his wife, Lucy Jane, appears upon the

authenticated roll of 1880, and the census roll of 1896, as Lucy Conner: The name of his grand child, Caleb Willis Cowells appears upon the census roll of 1896, and he avers that the said Caleb Willis Cowells is a son of Jane Conner, whose name appears on the authenticated roll of 1880, and who is now deceased. Proof to that effect being satisfactory, the said Caleb Willis Cowells will be duly listed for enrollment by this Commission as a Cherokee citizen by blood. And the said Caleb Conner will be enrolled as a Cherokee citizen by intermarriage, and his wife, Lucy Jane Conner, as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 20th day of September, 1900.

COMMISSIONER.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Caleb Conner for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; for the enrollment of his wife Lucy J. Conner and for the enrollment of his grandson Caleb W. Cowella as citizens by blood of the Cherokee Nation.

Supplemental to #2979.

Appearances:
James S. Davenport for Applicant.
J. C. Starr for Cherokee Nation.

JAMES S. DAVENPORT, being duly sworn, testified as follows:
Examination by the Commission.

Q. State your name, age and post office? A. James S. Davenport; 38, post office, Vinita, I. T.
Q. Are you a citizen of the Cherokee Nation? A. I am a citizen by adoption, yes, sir.
Q. Are you acquainted with the applicant in this case? A. Yes, sir.
Q. How long have you known him? A. I have known Mr. Conner since 1891.
Q. Where does he live? A. Living in Delaware district, Cherokee Nation.
Q. Has he been living there since 1891? A. He may have been out but he has been there I have known him.
Q. Do you know his wife? A. Yes, sir.
Q. Have they lived---- A. Lived together as man and wife, or so held themselves out.
Q. Do you know his nephew, or grandchild? A. No, sir. There is some child around there but I don't know that child.
Q. He is living with his wife Lucy J. at this time? A. Yes, sir.
Q. Livedwith her ever since you have known him? A. Ever since I have known him; ever since I been around his place.
Q. They were living together on the first of September, 1902? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 6th day of October, 1902.

Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Caleb Conner for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; for the enrollment of his wife Lucy J. Conner and for the enrollment of his grandson Caleb W. Cowells as citizens by blood of the Cherokee Nation.

Supplemental to #2979.

Appearances:

James S. Davenport for Applicant.
J. C. Starr for Cherokee Nation.

JAMES S. DAVENPORT, being duly sworn, testified as follows:
Examination by the Commission.

Q. State your name, age and post office? A. James S. Davenport; 38, post office, Vinita, I. T.
Q. Are you a citizen of the Cherokee Nation? A. I am a citizen by adoption, yes, sir.
Q. Are you acquainted with the applicant in this case? A. Yes, sir.
Q. How long have you known him? A. I have known Mr. Conner since 1891.
Q. Where does he live? A. Living in Delaware district, Cherokee Nation.
Q. Has he been living there since 1891? A. He may have been out but he has been there I have known him.
Q. Do you know his wife? A. Yes, sir.
Q. Have they lived---- A. Lived together as man and wife, or so held themselves out.
Q. Do you know his nephew, or grandchild? A. No, sir. There is some child around there but I don't know that child.
Q. He is living with his wife Lucy J. at this time? A. Yes, sir.
Q. Livedwith her ever since you have known him? A. Ever since I have known him; ever since I been around his place.
Q. They were living together on the first of September, 1902?
A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 6th day of October, 1902.

T. B. Jones
Notary Public.

INTERIOR,
ILIZED T

Notary Public.

Subscribed and sworn to before me this 1st day of November, 1905.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the complete transcript of the stenographic notes taken herein and that the foregoing is a true and correct copy of the entire evidence and proceedings had before said Commission in the above entitled case.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 7th, 1902.

In the matter of the application of Caleb Conner for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Lucy J. Conner, and his grandson, Caleb W. Cowells, as citizens by blood of the Cherokee Nation.

Supplemental to #2979.

Applicant appears in person.
Cherokee Natinn by J. C. Starr.
"&

CALEB CONNER, being duly sworn, testified as follows:
Examination by the Commission.

Q. State your full name, Mr. Conner? A. Caleb Conner.
Q. How old are you? A. I am 63 past.
Q. What is your post office? A. Afton.
Q. Are you the same Caleb Conner who made application to this Commission September 8th, 1900, to be enrolled as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of your wife? A. My first wife? My first wife is dead. Mary A.
Q. Your first wife in the one through whom you claim citizenship? A. Yes, sir.
Q. When were you married to her? A. '59.
Q. When did she die? A. 35 years ago.
Q. She died before the 1880 roll was made? A. Yes, sir.
Q. Did you live with Mary A. continuously until she died? A. Yes, sir.
Q. When did you marry your present wife, Lucy J.? A. '71, I believe. I just forget the date.
Q. She is on the eighty roll? A. Yes, sir.
Q. You are on the eighty roll? A. Yes, sir.
Q. Have you been living with your wife Lucy J. ever since you were married? A. Yes, sir.
Q. In the Cherokee Nation? A. Yes, sir.
Q. She is alive? A. Yes, sir.
Q. Living together in the Cherokee Nation at this time? A. Yes, sir.
Q. Had this wife Lucy J. been married before? A. Yes, sir.
Q. Was he husband dead when you married her? A. Yes, I guess so.
Q. Do you know for certain? A. No, I don't know. I didn't know her before I married her. She always said he said.
Q. You have one grandson living with you? A. Yes, sir.
Q. Caleb W. Cowells? A. Yes, sir.
Q. Been living with you in the Cherokee Nation? A. Yes, sir.
Q. How long has he been living with you? A. His mother died when he was only a month old.
Q. He is your daughter's son? A. Yes, sir.
Q. What is your daughter's name? A. Jane.
Q. A daughter of yours by your first wife? A. Yes, sir.
Q. When did your daughter Jane die? A. She has been dead 22 years. She died when the boy was only a month old; he is 22 years old now.
Q. Had she lived in the Cherokee Nation all her life? A. Yes, sir.
Q. You have never been out of the Cherokee Nation to make your home elsewhere? A. No, sir; never have.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 11th day of November, 1902.

B O Jones

Notary Public.

C. F. B. Cherokee 2979.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 8, 1907.

In the Matter of the Application for the Enrollment of Caleb Conner as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person.

APPEARANCES:

Cherokee Nation represented by
W. W. Hastings, Attorney.

Caleb Conner being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Caleb Conner.
Q What is your age? A 68.
Q What is your post office address?
A Afton.
Q You claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood?
A No sir; not that I know of.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Nation?
A Yes sir.
Q What was the name of your citizen wife?
A Mary Ann Carey?
Q Is she living or dead? A Dead.
Q When did she die?
A In '69 or '70; I don't remember which.
Q When were you married to her?
A July '58.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her?
A Yes sir.
Q Living in the Cherokee country?
A Yes sir.
Q Where were you married? A
A Carey's Ferry, Delaware District, Cherokee Nation.
Q Did you secure a license and marry your wife in accordance with Cherokee law?
A Yes sir.
Q The license was issued in Delaware District?
A Yes sir.
Q Who married you?
A A man by the name of Phillips.
Q Was this your first wife? A Yes sir.
Q Were you her first husband? A Yes sir; so far as I know.
Q You never heard of her having been married ~~xxxxxxxx~~ before she married you?
A No sir.
Q Have you any reason to believe that she was?
A No sir.

Q From the time of your marriage to her did you and she continuously live together as husband and wife until the time of her death?
A Yes sir.
Q Since her death, have you re-married?
A Yes sir.
Q When did you marry? A '71.
Q What was her name?
A Lucy McDowell. Her maiden name was Countryman.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Citizen by blood?
A Yes sir. She was on the '51 roll.
Q How long did you and she live together?
A We are living together now.
Q She is living at this time? A Yes sir.
Q She was married before her marriage to you?
A Yes sir.
Q Was her former husband dead at the time you marfied her?
A Yes sir; she said he was and I have no reason to doubt it.
Q From the time of your marriage to your first wife until the present time, have you continuously made your home in the Cherokee Nation?
A Yes sir; never lived anywhere else only in the territory.

The applicant, Caleb Conner, is identified on the Chenkee authenticated tribal roll of 1880, Cooweescoowee District, No. 467.

Thomas J. McGee being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Thomas J. McGee.
Q What is your age? A 62.
Q What is your post office address?
A Afton, Indian Territory.
Q You desire to give testimony in the matter of the application for the enrollment of Caleb Conner as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you known him?
A Well, I have known him ever since '61.
Q He is a citizen by intermarriage of the Cherokee Nation?
A He has always been recognized as a citizen by intermarriage of the Cherokee Nation.
Q Did you know his first wife? A Yes sir.
Q What was her maiden name? A Lucy Ann Carey.
Q Do you know when they were married?
A No, I do not.
Q They were married before coming to the Cherokee Nation?
A They were living together when I first got acquainted with them in '61.
Q From the time you first became acquainted with them in 1861, did they live together as husband and wife until the death of Mrs. Conner in 1869 or '70?
A Yes sir; lived in Delaware District on this side of the river.

C. F. B. Cherokee 2979.

Q. Do you know Caleb Conner's second wife?
A Yes sir.
Q She is a Cherokee by blood?
A Yes sir; her maiden name was Lucy Countryman.
Q Do you know of your own personal knowledge that Mr. Conner has been recognized as a citizen by intermarriage of the Cherokee Nation and enjoyed all the rights and privileges of that class of citizens?
A Yes sir.
Q He has been enjoying those privileges for the last 30 or 40 years to your knowledge?
A Yes sir; his citizenship has never been doubted since I have known him, in '61.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 12th day of January, 1907.

Chas E Webster

Notary Public.

F.R. Cherokee 2970.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 2, 1907.

In the matter of the application for the enrollment of Caleb Connor as a citizen by intermariage of the Cherokee Nation.
Cherokee Nation represented by H. M. Vance.

Thomas J. McGhee, being first duly sworn, testified as follows: Sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory.

By the Commissioner:
Q What is your name? A Thomas J. McGhee.
Q Your age? A Sixty-two.
Q Postoffice address? A Afton, I. T.
Q Do you know one Caleb Connor in the Cherokee nation?
A Yes sir.
Q How long have you known him? A I have known Caleb Connor, I can go back to 1860; I believe '60 or '61.
Q At the time you first knew him was he a married man?
A Yes sir.
Q What is the name of his wife? A Her maiden name was Carey. Nancy, I think they called her.
Q Was she a recognized citizen by blood of the Cherokee Nation? A Yes, she was recognized.
Q At the time you first knew them they were living together as husband and wife in the Cherokee nation? A Yes, near the banks of the Grand river, what they called Carey's ferry.
Q What is your understanding as to the date of that marriage?
A Well, it is from a record book that came into my possession in 1867.
Q What office did you hold in 1867? A Clerk of Delaware District, Cherokee Nation, and this book showed the record of Caleb Connor's license being issued,- in this book.
Q What became of that book? A I turned the book over to the clerk that succeeded me with all the other papers that belonged to the clerk's office.
Q And you remember at this time that that book showed the record of the marriage license having been issued to Caleb Connor and Mary Ann Carey? A Yes sir. Some called her Nancy. I was going to state that this book was used prior to the war as a probate book, and most of the record was written in the Cherokee language. Judge Thompson and Judge Owen, and the English language was written by Hooley Bell and another clerk by the name of Dolphus Daniel, and Springston was the one that issued this Connor license.
Q The record of the Connor license was in Cherokee or English
A It was in English.
Q Do you know about when Mrs. Connor died? A She died along about 1868; somewhere along there.
Q Caleb Connor and his wife lived together until her death, did they? A Yes, they lived together up until her death.
Q Caleb Connor then married again did he? A Yes, his second wife was named Lucy Cotterman.
Q At the time he married this second woman, she was a recog-

nized citizen of the Cherokee nation, was she? A Yes sir.
Q She is living at this time? A Yes sir.
Q She and Mr. Connor are living together? A Yes sir.
Q From the time of their marriage up to the present time?
A Yes sir.
Q You have never heard of that old marriage record which you turned over to your successor since that time, have you? Since you turned it over to him? A No, I have not; I have heard of none of them until I heard of it here. Mr. Shelton was the one I turned it over to. He said it was no use to him. It was in 1887 or '88 I turned those records over to Mr Shelton and then I was elected clerk again in 1891, and I got these same old papers back again, all put into a sack. And then I turned the papers over again to the next clerk that succeeded me. I forget who that was. It seems to me like it was John Duncan or Pete Hastings; I don't know which. I have reason to think by these other books appearing here that that book must have been here somewhere too.
Q You remember positively that that old book contained the record of the marriage of Caleb Connor and Mary Ann Carey?
A Yes sir, I do.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this February 4, 1907.

Mattie W. Chappell

Notary Public.

E C M

Cherokee 2979.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of CALEB CONNER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory September 18, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Caleb Conner as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 29, 1902, October 7, 1902, January 8, 1907 and February 2, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Caleb Conner, a white man, was married in accordance with Cherokee law in July, 1858 to one Mary Ann Conner, nee Cary, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. It is also shown that from the time of said marriage until the death of said Mary Ann Conner, which occurred about the year 1868, the said Caleb Conner and Mary Ann Conner resided together as husband and wife and continuously lived in the Cherokee Nation. It is further shown that about the year 1880 the said Caleb Conner was married to one Lucy Conner, nee Countryman, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District No.468 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.23726. It is further shown that from the time of said marriage the said Caleb Conner and Lucy Conner resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Caleb Conner is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 1907.

Cherokee 2978

Muskogee, Indian Territory, February 18, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, granting the application for the enrollment of Caleb Conner as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-30
JMH

Cherokee 2979

Muskogee, Indian Territory, February 18, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Caleb Conner as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 2979

Muskogee, Indian Territory, February 18, 1907.

Caleb Conner,

Afton, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-21
JMH

Cher IW 201

Cher IW 201

3958 a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 4 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

April 28, 1900.

October 1, 1900.

IN THE MATTER OF THE APPLICATION OF MARY ELIZABETH SAM WILSON FOR ENROLLMENT AS A CITIZEN OF THE CHOCTAW NATION.

RECEIVED
OCT 4 1900
SECRETARY OF THE INTERIOR
DIVISION OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. September 22nd, 1900.

IN THE MATTER OF THE APPLICATION OF FRANK SKINNER FOR ENROLLMENT AS A CHEROKEE CITIZEN.

The said Frank Skinner, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Frank Skinner.
Q What is your age? A Fifty-six.
Q What is your post office address? A Big Cabin, I.T.
Q What district do you livwin? A Cooweescoowee.
Q Are you a recognized citizen of the CherokeeNation? A I guess so. If these are correct I guess I am (indicating papers)
Q Are you a citizen by blood or intermarriage? A Intermarriage, sir.
Q For whom do you applyfor enrollment? A Just myself, my wife is dead.
Q Are your father nd mother non citizens? A Yes, sir; they are both dead. My father was a citizen, my mother was not.

1880 Roll, page 170, No. 2525, Frank Skinner, Cooweescoowee District.
1896 Roll, page325, No. 980, Frank Skinner, Cooweescoowee District.

Q How long have you lived in the Cherokee Nation, Mr Skinner? A I came Here in 1871, and have lived here ever since.
Q Youhave not arried since your wife died? A No, sir.

THE COMMISSIONER: The name of Frank Skinner appears upon the authenticated roll of 1880 as well as the census roll of 1896 as an intermarried citizen. He having made satisfactory proof as to his residence, he will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage.

----o----

The undersigned, being sworn, state s that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and other proceedings in the above application for enrollment and that the foregoing is a correct and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of October A. D. 1900.

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 8th, 1902.

In the matter of the application of Frank Skinner for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to #3288.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

FRANK SKINNER, being duly sworn, testified as follows:
Examination by the Commission.

Q. State you name? A. Frank Skinner.
Q. How old are you? A. 57.
Q. What is your post office? A. Big Cabin.
Q. You are a white man, are you? A. Yes, sir.
Q. You are the same Frank Skinnerwho made application on September 22nd, 1900, to be enrolled as a citizen by intermarriage? A. Yes, sir.
Q. What is the name of the wife through whom you claim citizenship?
A. Mattie Skinner.
Q. Is she your first wife? A. No, sir.
Q. You were married before? A. Yes, sir.
Q. What is the name of your first wife? A. Katie.
Q. White woman or Cherokee? A. White woman.
Q. Was she dead? A. Yes, sir.
Q. Died before you married this wife? A. Yes, sir.
Q. Was your present wife ever married before? A. No, sir.
Q. How long have you lived in the Cherokee Nation? A. Ever since '71.
Q. Continuously? A. Yes, sir.
Q. Never made your home elsewhere? A. No, sir.
Q. When did you marry your present wife? A. I think it was in '84.
Q. Under a Cherokee marriage license? A. Yes, sir.
Q. Have you been living with her continuously in the Cherokee Nation ever since you married her? A. No, sir; she is dead.
Q. When did she die? A. About 15 years ago.
Q. Did you live with her continuously from the time you were married up until the time of her death? A. Yes, sir.
Q. In the Cherokee Nation? A. Yes, sir.
Q. Have you married since? A. No, sir.
Q. Have you been living in the Cherokee Nation ever since your wife died? A. Yes, sir.
Q. You have got no children? A. Yes, sir; one.
Q. Living with you? A. Yes, sir.

Q. What is its name? A. Dora. Dora Drake. She is married now.

BY MR. STARR:
Q. When did your second wife die? A. I think it was--I can't tell the day of the month now.
Q. You have never been married to any other woman since that time?
A. No, sir.

[illegible]

Subscribed and sworn to before me this 24th day of December, 1908.

B C Jones

Notary Public.

3259

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 25 1902
ACTING CHAIRMAN.

3758

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 22 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(56)

Date SEP 22 1900 ~~1900.~~

Name Frank S Kinner Big Cabin I.T.

District COOWEESCOOWEE. Year 1880 Page 170 No. 2525

Citizen by blood ~~yes~~ Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

C.F.B. Cherokee 3288

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND.TER., JANUARY 4, 1907

In the matter of the application of FRANK SKINNER for enrollment as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant appears in person:
Cherokee Nation represented by H.M. Vance, on behalf of W. W. Hastings, Attorney.

FRANK SKINNER being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER:

Q. What is your name? A. Frank Skinner.
Q. What is your age? A. Sixty-four.
Q. What is your postoffice address? A. Big Cabin Indian Territory, or Oklahoma.
Q. You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A. Yes sir.
Q. You have no Cherokee blood? A. No sir.
Q. Your only claim to enrollment as a citizen of the Cherokee Nation is by reason of your marriage to a citizen of that Nation? A. Yes sir.
Q. What is the name of the person through whom yu claim the right to enrollment? A. Mattie Bell.
Q. Is she living or dead? A. She is dead.
Q. When did she die? A. She has been dead about eighteen--nineteen-- years.
Q When were you married to her? A. I was married to her in the fall of '74 as well as I remember; I was robbed in Texas and lost my license with all my other papers.
Q. Where was she living at the time you married her ?
A. At Vinita.
Q. Was she a recognized citizen of the Cherokee Nation at that time? A. Yes sir, I suppose so; she talked Cherokee language. I traded with the Indians and she acted as interpreter for me.
Q. Did you secure a license and marry her in accordance with Cherokee laws? A. Yes sir.
Q. Where did you secure the license? A. In Delaware District; I was married in Cooweescoowee District, just across the line.
Q. But you got the license in Delaware District? A. Yes sir
Q. Were you ever married before you married her? A. Yes sir.
Q. Was your former wife living or dead at the time you married her? A. Dead, sir. I married her in Missouri.
Q. Was your second wife ever married before her marriage to you?
A. No. sir.
Q. From the time of your marriage to your second wife did you and she continuously reside together as husband and wife until her death? A. Yes sir.
Q. Have you married since her death? A. No sir.

Cherokee 3288-#2

Q. Where have you lived since 1874? A. On Rough Creek, three miles and a half west of Big Cabin, Indian Territory.
Q. You have made your home continuously in the Cherkee Nation since that time? A. Yes sir.
Q. Have you any documentary evidence showing your marriage to your wife? A. No sir, as I said awhile ago I lost my license when I was robbed in Texas. I can bring witnesses to prove it is necessary.

The applicant, Frank Skinner, is identi f ied on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 2525.

Q. Are there any persons present here to-day who have actual personal knowledge of your marriage?
A. There are persons here that know that we were married but there are only two people living who were at our wedding.
Q. Are they living in the Territory? A. Yes sir; they live at Vinita. My wife's father, James M. Bell, and my wife's sister, Dee Jordon are living in Vinita now. They are the only two persons living who saw us married; were at our wedding.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the testimony taken in this case, and that the above and foregoing is a full, true, and correct transcript of her stenographic notes thereof.

Lucy M. Brannon

Subscribed and sworn to before me this 5th day of January, 1907

John E. Tidwell
Notary Public

E. C. M. Cherokee 3288.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 15, 1907.

In the matter of the application for the enrollment of Frank Skinner as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL.

Delia P. Jordan being first duly sworn by Walter W. Chappell, testified as follows:

Q What is your name? A Delia P. Jordan.
Q What is your age? A 50 years.
Q What is your post office address?
A Vinita, Indian Territory.
Q Mrs. Jordan, you appear here forethe purpose of giving testimony relative to the right of Frank Skinner to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What relation are you to Mr. Skinner?
A Why, he married my sister; my brother-in-law.
Q What was your sister's name? A Mattie Bell.
Q When were they married?
A Well, they were married about '73 or '74; '74.
Q They were married under a Cherokee license?
A Yes sir.
Q Your sister was a Cherokee by blood? A Yes sir.
Q Was she born and raised in the Cherokee Nation?
A Yes sir.
Q Mrs. Jordan, were you present at the marriage?
A Yes sir; present at the marriage.
Q Did you see the license under which they were married?
A No, I don't remember ever seeing the license; I don't think I did; I might have seen the license; I know he had a license.
Q Can you swear positively, that Frank Skinner, the applicant in this case, was married to your sister, Mattie Bell, under a license secured from the authorities of the Cherokee Nation?
A Well, I think I can. I think I can swear positively, although I didn't see the license; I don't think I did.
Q Do you have positive knowledge that the license was procured?
A Yes, I think I do because he had to have the license or he couldn't have married according to law.
Q In what district did he secure the license?
A Cooweescoowee --- Delaware; we lived in Cooweescoowee.
Q In what district were they married?
A Cooweescoowee.
Q Mrs. Jordan, was Frank Skinner your sister's first husband?
A Yes sir.
Q Was she his first wife?
A No, she wasn't his first wife; he had been married before in Missouri.

R. C. H. Cherokee [illegible].

Q Was his former wife living at the time he was married to your sister?
A No sir.
Q How long had she been dead before he married your sister?
A Well, I don't know.
Q Are you sure she was dead?
A Yes, I am sure she was dead; the family all lived here.

(Witness Excused)

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony of Delia P. Jordan taken in this case and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 15th day of February, 1907.

Frank M. Faxon

Notary Public.

[redacted]

In the matter of the application for the enrollment of FRANK SKINNER as a citizen by intermarriage of the Cherokee [redacted]

[redacted]

JAMES V. [redacted], being first duly sworn by [redacted] Notary Public, testified as follows:

Q What is your name? A James [redacted]
Q What is your age? A [redacted]
Q What is your post office address? [redacted]
Q Do you appear here today for the purpose of [redacted] relative to the right of Frank Skinner [redacted] citizen by intermarriage of the Cherokee Nation? A [redacted]
Q What relation are you to Frank Skinner? [redacted]
Q Are you a Cherokee by blood? A [redacted]
Q Do you remember when Lottie Hall and Frank Skinner were married? A I can't give the exact date [redacted]
Q Give the approximate date. A About [redacted]
Q Were they married under a license issued by the Cherokee Nation? A Yes sir. I [redacted] Mr. Skinner was entitled at the time of marriage to citizen since that time.
Q Did you see the license? A [redacted]
Q Were you present at the marriage? A Yes sir.
Q You say Mr. Skinner was entitled at the time of marriage of a citizen of the Cherokee Nation, [redacted]? A That is what I have understood.
Q Did he enjoy these privileges before marriage? A [redacted]
Q Then it was by virtue of the marriage [redacted] acquired these rights? A Yes sir.
Q Since the marriage of your daughter and Frank Skinner continuously resided together as husband and wife, [redacted] usually lived in the Cherokee Nation? A [redacted]
Q She is dead, is she? A Yes sir.
Q When did she die? A [redacted]
Q Since her death, has the applicant, Frank Skinner, remained unmarried? A Yes sir.
Q Has he lived in the Cherokee Nation continuously since her death? A Yes sir.

The witness, being duly sworn, [redacted] to the Commissioner in the Five Civilized Tribes, [redacted] ported the above and foregoing testimony, [redacted] true and complete transcript of his [redacted]

[redacted]

Subscribed and sworn to before [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted], Indian Territory, January [redacted], 1897.

[redacted],

[redacted], Indian Territory.

[redacted]

In the matter of your application for enrollment as a citizen by intermarriage of the Cherokee Nation you are informed that it will be necessary that you furnish this office either with the original or a certified copy of your marriage license or the evidence of witnesses who have actual knowledge of your marriage to Rettie Skinner. In this matter be important, you are requested to give it your immediate attention.

[redacted],

[redacted] [redacted].

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.	Time Filed	Check
		Cherokee 3288

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

R. . . Muskogee, Indian Territory, February , 1907

Frank Skinner,

Vinita, Indian Territory.

Affidavits insufficient. Bring witnesses immediately.

Dixby,

C.R.C. .Paid Commissioner.

READ THE NOTICE AND AGREEMENT ON BACK.

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS.

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any UNREPEATED message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be INSURED by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing.

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission

ROBERT C. CLOWRY, President and General Manager.

REFER IN REPLY TO THE FOLLOWING:

Cherokee 3288

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Special

Muskogee, Indian Territory, February 12, 1907

Frank Skinner,

Vinita, Indian Territory.

Dear Sir:

The Commissioner sent you this day a telegram as follows:

"Affidavits insufficient. Bring witnesses immediately."

The Act of Congress approved April 26, 1906, provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907.

This matter, therefore, demands your immediate attention.

Respectfully,

Commissioner.

MMP

Cherokee3288

Muskogee, Indian Territory, February 20, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for the enrollment of Frank Skinner as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Enc I-237

RPI

Cherokee 3288

Muskogee, Indian Territory, February 20, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Frank Skinner as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 3268

Muskogee, Indian Territory, February 20, 1907.

Frank Skinner,

Big Cabin, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and [redacted]ed by the Secretary of the Interior.

Respectfully,

Enc I--238

RPI

Commissioner.

SANITARY
FEB 23
1933 AM
RECORD

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED.

~~Frank~~ Skinner,

Vinita, Indian Territory.

RETURN PENALTY ENVELOPE.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSCOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSCOGEE,

IND. TER.

Cher IW 202

Cher IW 202

3542

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 28 1900

[illegible] ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPTEMBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Hugh McAffrey, wife and children for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Hugh McAffrey.
Q What is your age? A Sixty four.
Q What is your Postoffice? A Klaud.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A Myself and wife and children.
Q What is the name of your wife? A Fannie McAffrey.
Q What was her name before you married her? A Fannie Cordrey.
Q When did you marry? A In 1873.
Q What are the names of your children? A James Albert.
Q How old is James Albert? A Twenty.
Q What is the name of the next one? A Hugh.
Q Any middle name? A No sir.
Q Same name as you? A Yes sir.
Q Hugh Jr.? A Yes sir.
Q How old? A Seventeen.
Q What is the name of the next one? A Napoleon
Q Just Napoleon? A Yes sir.
Q How old is Napoleon? A Thirteen.
Q What is the name of the next one? A Walter T.
Q How old is Walter T.? A Ten.
Q What is the name of the next one? A Rhoda Savannah.
Q How old is Rhoda? A Five.
Q Name of the next one? A That is all.
Q Five children? A Yes sir.
Q Are these children all living and living with you at this time?
A Yes sir.
Q Have you lived in the Cherokee Nation continuously since 1880?
A Yes sir; since 1873.

(1880 Roll, Page 287, #1721, Hugh McAffrey, Delaware D'st)
(1880 Roll, Page 287, #1722, Fannie McAffrey, Delaware D'st)
(1896 Roll, Page 582, #389, Hugh McAffrey, Delaware D'st)
(1896 Roll, Page ~~1911~~ 499, #1911, Fannie McAffrey, Delaware District)
(1896 Roll, Page 499, #1912, James A. McAffrey, Delaware D'st)
(1896 Roll, Page 499, #1913, Hugh McAffrey, Delaware D'st)
=1915 (1896 Roll, Page 499, #1925, Napoleon McAffrey, Delaware D'st)
(1896 Roll, Page 499, #1916, Walter T. McAffrey, Delaware D'st)
(1896 Roll, Page 499, #1917, Rhoda S. McAffrey, Delaware D'st)
(1880 Roll, Page 287, #1726, Albert M. McAffrey, Delaware D'st)

The name of Hugh McAffrey, and his wife, Fannie McAffrey, appears upon the authenticated rolls of 1880, and the census roll of 1896, and the name of his oldest son, James A. appears upon the authenticated roll of 1880, as Albert McAffrey, and upon the census roll of 1896, as James A. McAffrey: The names of his children, Hugh, Napoleon, Walter T. and Rhoda S. appear upon the census roll of 1896, they all being duly identified according to the page and number of the rolls, as indicated in the testimony; and having made satisfactory proof of their residence, the said Hugh McAffrey will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage, and his wife, Fannie, and children, as enumerated in the testimony, as Cherokee citizens by blood.

The undersigned, being sworn, states that as stenographer to the

Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Crawford

Subscribed and sworn to before me
this 28th day of September, 1900.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 15th, 1902.

In the matter of the application of Hugh McAffrey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Fannie McAffrey, and his children, James A., Hugh, Jr., Napoleon, Walter T., Rhoda S. and Loran R. McAffrey, as citizens by blood of the Cherokee Nation.

Supplemental to #3542.

HUGH McAFFREY, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Hugh McAffrey.
Q. How old are you? A. 67.
Q. What is your post office? A. Cleora.
Q. Are you a Cherokee by blood? A. No, sir.
Q. You are a white man, are you? A. Yes, sir.
Q. You are claiming as a citizen by intermarriage, are you?
A. Yes, sir.
Q. What is your wife's name? A. Fannie.
Q. Is she a Cherokee by blood? A. Yes, sir.
Q. Is her name on the roll of 1880? A. Yes, sir.
Q. How long has Fannie been living in the Cherokee Nation?
A. Born and raised here.
Q. Lived in the Cherokee Nation all her life? A. Yes, sir.
Q. When were you married to her? A. '74.
Q. Are you on the roll of 1880? A. Yes si r.
Q. Fannie is your first wife? A. Yes, sir.
Q. Have you and your wife Fannie lived together ever since 1880?
A. Yes, sir.
Q. She is living? A. Yes, sir.
Q. You have never been separated? A. No, sir.
Q. You are living together now? A. Yes, sir.
Q. Any children living at home with you? A. Four.
Q. All under age? A. Yes, sir.
Q. How many children did you enroll two years ago? A. Enrolled five.
Q. Has there been any deaths in your family within the last two years and a half? A. No, sir.
Q. All the children that you applied for are living now?
A. Yes, sir.

++++++++++++++++++++++++++++++++++++++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 16th day of January, 1903.

Samuel Foreman
Notary Public.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Hugh McAffrey for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife Fannie McAffrey and his children James A., Hugh, Jr., Napoleon, Walter T., Rhoda S. and Loran R. McAffrey as citizens by blood of the CherokeeNation.

Supplemental to #3542.

Appearances:
James S. Davenport for Applicant.
J. C. Starr for Cherokee Nation.

JAMES S. DAVENPORT, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name, age and post office?
A. James S. Davenport, 38, Vinita, I. T.
Q. Are you acquainted with Hugh McAffrey, the applicant in this case? A. Yes, sir.
Q. How long have you known him? A. Known him since 1894.
Q. Are you acquainted with his wife? A. Yes, sir.
Q. How long have you known her? A. I met her at the same time. The first time I met him was during the 1894 payment.
Q. Is she a citizen by blood? A. Yes, sir.
Q. He is a citizen by intermarriage? A. He claims by intermarriage; yes, sir.
Q. Has he lived since 1894 as her husband? A. Yes, sir.
Q. Were they living together as husband and wife on the first of September, 1902? A. Yes, sir.
Q. Is his wife still living at this time? A. Yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the forgoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 6th day of October, 1902.

B. C. Jones
Notary Public.

C. F. B. Cherokee 3542.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 21, 1907.

In the matter of the application for the enrollment of Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation.

Hugh McAffrey being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

Q What is your name? A Hugh McAffrey.
Q What is your age? A 70 years old.
Q What is your post office address?
A Afton,
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A No sir.
Q You claim the right to enrollment as a citizen of the Cherokee Nation by virtue of your marriage to a citizen by blood?
A Yes sir.
Q What is the name of the citizen through whom you claim the right to enrollment?
A Fannie Cordrey.
Q Is she living? A Yes sir.
Q When did you marry her? A In March, '73.
Q Was she a recognized citizen of the Cherokee Nation at that time?
A Yes sir; born and raised here.
Q And living in the Cherokee country?
A Yessir.
Q Did you secure a license and marry her in accordance with the law of the Cherokee Nation?
A Yes sir.
Q In what district was the license issued?
A Tahlequah.
Q Who issued it?
A Tom Wolfe, Deputy; Bill Turner was the Clerk.
Q And you were married soon after that?
A Yes sir.
Q In accordance with the terms of that license?
A Yes sir.
Q Who married you?
A A. J. Cove, Baptist preacher; he lived in Benton County.
Q Were you ever married prior to that marriage?
A No sir.
Q Was your wife ever married before she married you?
A No sir.
Q Since your marriage, have you and your wife continuously lived in the Cherokee Nation?
A Yes sir.
Q And resided together as husband and wife continuously?
A Yes sir.

C. F. B.

Cherokee 3542.

The applicant, Hugh McAffrey, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 1721. His wife, Fannie McAffrey, is identified on said roll at No. 1722, and her name appears upon the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 8625.

Q Have you any evidence of a documentary character showing your marriage to your wife?
A I have not; there was nobody but her and me together and this A. J. Cove who married us has been gone for many years.
Q Since your marriage to your wife have you exercised all the rights and enjoyed all the privileges of a citizen by intermarriage of the Cherokee Nation?
A I have.
Q Voted at elections? A Yes; all the time.
Q Have you ever held any office?
A No sir.
Q Have you served on juries? A Yes sir.

William H. Miller being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

Q What is your name? A William H. Miller.
Q What is your age? A About 67 years old.
Q What is your post office address?
A Weimer.
Q Are you acquainted with a person in the Cherokee Nation by the name of Hugh McAffrey?
A Yes sir.
Q He is living at this time? A Yes sir.
Q How long have you known him?
A Ever since about '73 as well as I recollect. He married my first cousin.
Q What was her name? A Fannie Cordrey.
Q Cordrey was her maiden name? A Yes sir.
Q Is it your understanding that Hugh McAffrey secured a license and married his wife, Fannie McAffrey, in accordance with the law of the Cherokee Nation?
A Yes sir.
Q Did you see them married?
A No sir, I wasn't there; but I know of it.
Q They were married about what year?
A It has been so long ago, I don't hardly remember.
Q Are you positive it was before November 1, 1875?
A Yes, I think it was.
Q Since their marriage Hugh McAffrey has been recognized as a citizen by intermarriage of the Cherokee Nation?
A I guess so; yes sir.
Q Do you know of your own personal knowledge that he has exercised the rights and enjoyed the privileges of a citizen by intermarriage of the Cherokee Nation?
A Yes sir.

C. F. B. Cherokee 3542.

Q Hugh and Fannie McAffrey are living together as husband and wife at this time?
A Yes sir.
Q And have continuously lived togather as such since their marriage?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and corfect transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 24th day of January, 1907.

John E. Tidwell
Notary Public.

E C M

Cherokee 3542.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of HUGH McAFFREY as a citizen by intermarriage of the Cherokee Nation.

O R D E R

An examination of the Cherokee autnehticated tribal roll of 1880 shows that said applicant and his family appear on said r roll, their names and ages being as follows:

1880 Roll, Page 287, No.1721, Hugh McAffrey, Adopted white, Delaware District.
1880 Roll, Page 287, No.1722, Fannie McAffrey, Native Cherokee, Delaware District.
1880 Roll, Page 287, No.1723, Andrew McAffrey, Native Cherokee, six years, Delaware District.
1880 Roll, Page 287, No.1724, John McAffrey, Native Cherokee, four years, Delaware District.
1880 Roll, Page 287, No.1725, Mary McAffrey, Native Cherokee, two years, Delaware District.
1880 Roll, Page 287, No.1726, Albert McAffrey, Native Cherokee, two months, Delaware District.

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 4 1907.

Cherokee 3542.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. February 13, 1907.

Supplemental proceedings in the matter of the application for the enrollment of Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation.

Hugh McAffrey being first duly sworn by Frances R. Lane, a Notary Public, testifies as follows:

By The Commissioner:

Q What is your name? A Hugh McAffrey.
Q How old are you? A 70 years old.
Q Your Post Office address? A Afton.
Q Mr. McAffrey you appear here today for the purpose of giving testimony relative to your right as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Where were you married? A In Going Snake District about half a mile of the state line and the Cherokee Nation.
Q Were you married under a license issued by the authorities of the Cherokee Nation? A Yes sir.
Q Where was that license issued? A Tahlequah.
Q What district was it in? A Tahlequah District.
Q Then the license was issued in Tahlequah district and you went over into Going Snake district and were married? A Yes, we went on up next to the state line and were married there.
Q Mr. McAffrey do you think that you could be mistaken about having secured a license in Tahlequah District? A No sir, not a bit of a mistake.
Q You couldn't have had that recorded in Going Snake District? A No sir, I took my license right back and turned it in to the Clerk. I was to do this within thirty days.
Q Then you can swear positively that you secured a marriage license after having obtained the requisite number of signers to your petition, in the Tahlequah district, and were married under that license in Going Snake District? A Yes sir.

A careful examination of Book C of the Marriage Records of Tahlequah District for the years 1870 to 1892 inclusive, fails to show any record of a marriage license having been issued to the applicant herein.

Q What was the date of your marriage? A The 23rd day of March '73.
Q Since your marriage have you and your wife continuously resided together as husband and wife and lived in the Cherokee Nation? A Yes sir, never moved out of it.
Q Has either of you ever been married before? A I never have, I don't think she ever has.

Witness Excused.

Fannie McAffrey being duly sworn by Frances R. Lane, a Notary Public, testifies as follows:

By the Commissioner:

Q What is your name? A Fannie McAffrey.
Q Your age? A 53.

Q Your Post Office address? A Afton.
Q Are you the wife of the applicant in this case, Hugh McAffrey? A Yes sir.
Q Mrs. McAffrey, I'll ask you the date of your marriage? A The 23d day of March, 1873.
Q Were you and your husband married under a license issued in the Cherokee Nation? A Yes sir.
Q In what district? A Tahlequah district.
Q Were you married in Tahlequah district? A No sir, in Going Snake district.
Q Mrs. McAffrey, you can't be mistaken as to where that license was secured can you? A No sir.
Q Can you testify positively that your husband before securing the license secured the requisite number of signers to the petition? A (No answer)
Q Did you see the petition? A Yes sir, but there's where the trouble is; I didn't read it; I had it but I didn't read it. I saw two of the parties sign it. I saw the preacher sign the license.
Q Did you see the license after he secured it? A Yes sir, but I didn't look over it and I had the license in my possession.
Q Have you ever been married but one time? A No sir.
Q Since your marriage, have you resided together as husband and wife and continuously resided in the Cherokee Nation? A Yes sir.

Witness Excused.

I, Cora E. Glendenning, a stenographer to the Commissioner to the Five Civilized Tribes, on oath state that I reported the proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of my stenographic notes therein.

Cora E. Glendenning.

Subscribed and sworn to before me this 13th day of February 1907.

Frances Mann.

Notary Public.

E.C.M. Cherokee 3542

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on September 26, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 15 and September 29, 1902, and January 21 and February 13, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Hugh McAffrey, a white man, was married in accordance with Cherokee law, in 1873, to his wife, Fannie McAffrey, nee Cordrey, who was at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 1722, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 8625. It is further shown that from the time of said marriage, the said Hugh McAffrey and Fannie McAffrey resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Hugh McAffrey, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 21 1907.

Cherokee
3542.

COPY.

Muskogee, Indian Territory, February 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, granting the application for the enrollment of Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Tams Bixby

Commissioner.

Enc. I-35.

RPI

Cherokee
3542

Muskogee, Indian Territory, February 21, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Hugh McAffrey as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee
3542.

Muskogee, Indian Territory, February 21, 1907.

Hugh McAffrey,

Afton, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated Febru r y 21, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens by intermarriage of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Enc. I-34.
RPI

Commissioner.

Cher IW 203

Cher IW 203

a 3573

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 20 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., SEPTEMBER 26th, 1900.

IN THE MATTER OF THE APPLICATION OF John T. Brackett, wife and child for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A John T. Brackett.
Q What is your age? A Fifty eight.
Q What is your Postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and little girl.
Q One child? A Yes sir.
Q Do you applu for yourself as a Cherokee by blood ? A No sir; I am a white man.
Q Is your wife a Cherokee by blood? A Yes sir.
Q Have you your marriage license and certificate? A No sir; I was married in 1874.
Q Same wife still living? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Since 1873.
Q Have you lived with your wife all the time? A Yes sir; ever since I married.
Q What district were you in in 1880? A Canadian.
Q In 1896, what district? A Delaware.
Q Give me your wifes name please? A Margaret.
Q How old is she? A Sixty five.
Q How give me the name of your child please? A Bessie.
Q How old is she? A Eleven.
(1880 Roll, Page 6, #162, J. T. Bracket, Canadian District)
(1880 Roll, Page ~~6~~ #163, Margaret Bracket, Canadian District)
(1896 Roll, Page 565, #10, John Thomas Brachet, Delaware D'st)
(1896 Roll, Page 442, #383, Margaret Bracket, Delaware D'st)
(1896 Roll, Page 442m #384, Bessie Bracket, Delaware D'st)
Q The child, Bessie, is living now, is she? A Yes sir/

The applicant applies for the enrollment of himself, his wife and one child: His wife is identified on the rolls of 1880 and 1896, as a Native Cherokee, and she will be listed now for enrollment as a Cherokee by blood.

The applicant is identified on both of said rolls; and has lived with his Cherokee wife ever since their marriage, and has continued to live in the Cherokee Nation, and he will be listed now for enrollment as a Cherokee by adoption.

The child, Bessie, is living at this time, and is identified with her parents on the roll of 1896. She will be listed now for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A R Crawford

Subscribed and sworn to before me
this 29th day of September, 1900.

C R Breckinridge

COMMISSIONER.

Cherokee 3573?

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of John T. Brackett for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Margaret Brackett, as a citizen by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

JOHN T. BRACKETT, being sworn, testified as follows:

By the Commission,

Q What is your name? A John T. Brakett.
Q How old are you, Mr. Brackett? A Fifty-nine years old.
Q What's your postoffice address? A Vinita.
Q Are you an applicant for enrollment as an intermarried citizen?
A Yes, sir.
Q What's your wife's name? A Margaret.
Q Is she living? A Yes, sir.
Q Is she a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When were you married to your wife, Margaret? A '74.
Q You're on the '80 roll with her? A Yes, sir, Canadian District
Q Have you and your wife, Margaret lived together as husband and wife since 1880 up to the present time? A yes, sir.
Q Never have been separated? A No, sir.
Q You were living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you and your wife resided in the Cherokee Nation all the time since '80 to the present time? A Yes, sir, since '74.
Q All the time since '74? A Yes, sir/

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 2nd day of December, 1902.

Rester
Notary Public.

C. F. B. Cherokee 3573.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 9, 1907.

In the Matter of the Application for the Enrollment of John T. Brackett as a citizen by intermarriage of the Cherokee Nation.

John T. Brackett being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A John T. Brackett.
Q What is your age? A 63.
Q What is your post office address?
A Vinita, Indian Territory.
Q You claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood?
A No sir.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Nation?
A Yes sir.
Q What is the name of the citizen through whom you claim that right
A Margaret Merrill.
Q Is she living? A Yes sir.
Q When did you marry her? A January, 1874.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her?
A Yes sir.
Q Living in the Cherokee country?
A Yes sir.
Q Did you procure a license and marry your wife in accordance with the laws of the Cherokee Nation?
A Yes sir.
Q In what district was that license issued?
A Canadian.
Q Who married you? A Judge Woodall.
Q Was Margaret Brackett your first wife?
A Yes sir.
Q Are you her first husband? A No sir.
Q She was married prior to the time she married you?
A Yes sir.
Q Was her former husband dead at the time you married her?
A Yes sir.
Q Since your marriage to your wife Margaret Brackett, have you and she continuously lived together as husband and wife?
A Yes sir.
Q And lived all the time in the Cherokee Nation?
A Yes sir.

C. F. B. Cherokee 3573.

John T. Brackett is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, No. 162. His wife, Margaret Brackett, is identified on said roll at No. 163 and her name appears on the final roll of citizens of the Cherokee Nation approved by the Secretary of the Interior, at No. 8684.

Q Since your marriage to your wife have you been recognized by the Cherokee authorities as an intermarried citizen of the Cherokee Nation?
A Yes sir.
Q As an intermarried citizen of the Cherokee Nation, have you ever drawn money from the Cherokee authorities?
A In 1874 and one other time later; I don't remember when.
Q You drew what was called "bread money" in 1874?
A Yes sir.

W. H. Barker being first duly sworn by John E. T idwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A W. H. Barker.
Q What is your age? A 56 years old.
Q What is your post office address?
A Muskogee, Indian Territory.
Q You appear here for the purpose of giving testimony relative to the right to enrollment of John T. Brackett?
A Yes sir.
Q How long have you known him?
A Since the Spring of '74.
Q Is he a married man?
A I suppose he is; he was living with his present wife as man and wife when I knew him first.
Q What was his wife's name?
A Mrs. Margaret Carter.
Q They have been living together as man and wife ever since you have known him?
A I can't say. I was in Texas 10 or 12 years since I knew them.
Q You didn't know of them being married?
A I didn't see them married.
Q But it is your understanding and you believe that they were married prior to the time you became acquainted with them in 1874?
A Yes sir.
Q They were living together as husband and wife at that time?
A Yes sir.
Q Where were they living? A In Fort Gibson.
Q Have you known them since that time?
A Yes sir.
Q Has John T. Brackett been recognized as a citizen of the Cherokee Nation and enjoyed all the rights and privileges of that class of citizens, since you have known him?
A Yes sir.
Q He has been allowed to vote, has he?

A Well, I have always known him as an intermarried citizen. I don't know whether he voted or not.

J. C. Jordan being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A J. C. Jordan.
Q What is your age? A 41.
Q What is your post office address?
A Muskogee, Indian Territory.
Q Do you know a person in the Cherokee Nation by the name of John T. Brackett?
A Yes sir.
Q How long have you known him?
A As far back as '74.
Q You remember that you knew him in 1874?
A Yes sir.
Q What is his wife's name? A Margaret Brackett.
Q Did you know her before they were married?
A I don't remember.
Q Do you remember when they were married?
A I don't remember when they were married. I lived with them in '75.
Q What part of the year in '75? A In the winter.
Q In the early part of the year?A Yes sir.
Q Were they living together as husband and wife at that time?
A Yes sir.
Q And were so recognized by all those who knew them?
A Yes sir.
Q Have you known them since them?
A Yes sir.
Q Have they lived together continuously as husband and wife?
A Yes sir.
Q Do you know of your own personal knowledge that since 1874 John T. Brackett has been recognized as a citizen by intermarriage of the Cherokee Nation, and has enjoyed the rights and privileges of that class of citizens?
A Yes sir.
Q You can testify to that of your own personal knowledge?
A Yes sir.
Q Do you know that he has voted in the Cherokee elections?
A Yes sir.
Q You did not witness the marriage,- you were not present when they were married?
A No; I was small.

Belle Rush being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Belle Rush.
Q What is your age? A 57.
Q What is your post office address?

A Muskogee.
Q Are you acquainted with a person in the Cherokee Nation by the name of John T. Brackett?
A Yes sir.
Q How long have you known him? A Since '74.
Q He claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Margaret.
Q She is a citizen by blood? A Yes sir.
Q Did you know her prior to her marriage to Mr. Brackett?
A Yes sir.
Q You knew her as a Cherokee by blood?
A Ever since I can remember.
Q You were not a witness at the marriage?
A No sir; my husband was though.
Q When were they married? A In 1874.
Q Is your husband living? A No sir; he's dead.
Q Did you live near those parties when they were married?
A No, I was living on Grand River and they were down in Canadian District.
Q But your husband was a witness to their marriage?
A Yes sir; he was there.
Q He told you did he that he was present at their marriage and saw them married?
A Yes sir.
Q You have every reason to believe then that they were married at that time, in 1874?
A Yes sir.
Q Have you known them since that time?
A Yes sir.
Q And you know of your own personal knowledge that since then they have resided together as husband and wife?
A Yes sir.
Q And they have always lived in the Cherokee Nation?
A Yes sir.
Q You don't know anything about Mr. Brackett obtaining a marriage license; you didn't see the license?
A No sir.
Q You know of their marriage by the information received from your husband, who witnessed the marriage?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 14th day of January, 1907.

John E. Tidwell
Notary Public.

E.C.M. Cherokee 3573.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 12, 1907.

In the matter of the application for the enrollment of JOHN T. BRACKETT as a citizen by intermarriage of the Cherokee Nation.

JOHN T. BRACKETT, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A John T. Brackett.
Q What is your age? A 63.
Q What is your post office address? A Vinita.
Q Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Do you appear here today to give testimony relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q What is the name of your wife? A Margaret.
Q When were you married? A In January, 1874.
Q Where? A In Canadian District.
Q Did you go to the Cherokee authorities and receive a license to marry your wife? A First I went and got a petition, with 10 Cherokees by blood, and then I went to the Clerk of Canadian District and got the license and paid $10.00 for it.
Q Have you a copy of that license? A No sir.
Q Did you ever have a copy of it? A No sir.
Q Did you have a certificate of marriage? A Yes sir .
Q Have you it now? A No sir, it was lost.

A careful examination of Book "B", of the marriage records of Canadian District for the years 1869 to 1890, fails to disclose that a marriage license was ever ~~granted~~ issued to the applicant, John T. Brackett.

Q Have you been recognized as a citizen of the Cherokee Nation ever since you were married? A Yes sir. I drawed money in the spring of '75, and should be on that 1874 or 1875 roll; I have drawed money once since then, but I have forgotten where it was; I voted for William P. Ross, Chief of the Cherokee Nation, and for every officer in every District I have lived in since.
Q Why does your wife not appear here? A She is 89 years old, and she is ill.
Q Do you wish to present this affidavit, made by A. M. Clinkscales, that he has examined your wife, and finds that she is unable to appear here for the purpose of giving testimony? A Yes sir.

The same will be filed with, and made a part of the record in this case.

You also wish to present in evidence an affidavit made by your wife, Margaret Brackett, sworn to and subscribed before E. M. Probasco, Notary Public? A Yes sir.

The same will be filed with, and made a part of the record in this case.

BY W. W. HASTINGS, ATTORNEY FOR CHEROKEE NATION:

Q Was your wife ever married prior to her marriage to you?
A Yes sir.
Q What was the name of her first husband? A Williamson.
Q Was he dead at the time of your marriage to your wife? A Yes sir.
Q What clerk of Canadain District issued you your license?
A I think it was Rocky Smith, I am not sure.
Q But you swear positively that a license was issued? A Yes sir.
Q You swear positively that you got up the necessary petition?
A The man that helped me was Henderson Holt.
Q He helped you to get up your petition? A Yes sir.
Q You were married under this license in 1874? A Yes sir.
Q That was your first marriage? A Yes sir.
Q Who married you? A Judge Woodall.
Q He was Judge of Canadian District at that time? A Yes sir.
Q You and your wife are living together now, are you? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q Why didn't you bring some witnesses here today to testify in your case? A I couldn't prove only by John Jordan, William Barker and Mrs. Rush. I supposed 3 was all right.
Q Are any witnesses alive today who were present at your marriage?
A No sir; there was Henry Parris and Jeff Starr.
Q Who are both dead? A Yes sir.
Q Then it will be impossible for you to procure the testimony of witnesses, or a copy of the license issued to you permitting your marriage to your wife, Margaret Brackett? A Yes sir. But I can produce 50 witnesses to prove that we have been living together since 1874.

(Witness excused).

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Sarah Watson

Subscribed and sworn to before me this 14th day of February, 1907.

Frances Mans
Notary Public.

COPY.

United States of America)
Indian Territory)SS.
Northern District)

I, A. M. Clinkscales being duly sworn on oath say that I am a practicing Physician residing at Vinita, I. T., and that I have been engaged in the practice of my profession at said place 15 years and that I am the family physician for John T. Brackett, and that I am waiting upon his wife Margaret Brackett and that her physicial condition is such that she cannot leave her home. She is suffering with attack of Lagrippe and is also aged and feeble and has been in such feeble condition that she has not been able to leave her home for many months and it is now impossible for her to appear at Muskogee and it will doubtless never be so that she can appear there. She is very feeble and almost helpless owing to physical disabilties that at her age will never be cured.

(Signed) A. M. Clinkscales, M. D.

Subscribed to before me and sworn to before me by the above named A. M. Clinkscales, M. D. this 11th day of February 1907.

(Signed) E. M. Probasco.
Notary Public.

COPY.

Affidavit.

United States of America)
Indian Territory)SS.
Northern District)

I, Margaret Brackett being duly sworn on oath state that my post office address is Vinita, Indian Territory that I am 78 years of age and will be 79 in April 1907, that my name was Margaret Carter before my last marriage, that I am now the wife of John T. Brackett, that I was married to John T. Brackett in the month of January 1874. That we were married in what was then known as Canadian District by Judge Woodall, who was at that time Judge of that district. That the said marriage was performed under and in accordance with the Cherokee Law.

That the persons who witnessed said marriage are dead. That said marriage was performed in the Indian Territory.

I further state that I and the said John T. Brackett have lived together as husband and wife in the Indian Territory ever since said marriage.

I further state that our marriage certificate has been lost so that it cannot be produced. I further state that we received a marriage certificate at the time of our marriage.

All of these statements are made of my own knowledge and by me known to be true.

(Signed) Margaret Brackett.

Subscribed to in my presence and sworn to before me by Margaret Brackett at her residence three miles east of Vinita, Indian Territorythis 12th day of February 1907.

(Signed) E. M. Probasco.
Notary Public

E.C.M. Cherokee 3573

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John T. Brackett as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on September 26, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of John T. Brackett as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 28, 1902, January 9 and February 12, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John T. Brackett, a white man, was married in accordance with Cherokee law in January, 1874, to his wife, Margaret Brackett, nee Carter, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, No. 163 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 8684. It is further shown that from the time of said marriage the said John T. Brackett and Margaret Brackett resided together as husband and wife, and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John T. Brackett, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 19 1907.

Cherokee 3573.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for the enrollment of John T. Brackett as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Enc I-102 Commissioner.

RPI

Cherokee 3573

Muskogee, Indian Territory, February 19, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John T. Brackett as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 3573

Muskogee, Indian Territory, February 19, 1907.

John T. Brackett,

Muskogee, Indian Territory.

Dear Sir:

Therein enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Enc I-103

RPI

Commissioner.

Cher IW 204

Cher IW 204

OFFICE OF THE FREEDOMS
COMMISSION TO THE FREEDOMS
ONE DOLLARS

Department of the Interior.
Commission to the Five Civilized Tribes.
Nowata, I. T., October 17, 1900.

In the matter of the application of Alfred M. Gott for the enrollment of himself, wife, [redacted] Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What's your name? A Alfred M. Gott.
Q How old are you? A 56.
Q What is your postoffice address? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q By blood? A No sir.
Q Intermarriage? A Yes.
Q For whom do you apply for enrollment? A Myself, wife and one girl, we have raised.
Q What's the name of your wife? A Susan T. Gott.
Q When did you marry her? A About 31 years ago.
Q She a white woman? A Cherokee.
Q By blood? A Yes sir.
Q What's the name of your child? A Lou Harris, a niece of ours. We raised her.
Q How old is she? A 15 years.
Q Got no children of your own? A No,sir.
Q What's the mother's name of Lou Harris? A Emma Harris.
Q She a Cherokee ? A Yes sir.
Q What was her maiden name? A Emma Walker.
Q Would that be her name twenty years ago, in 1880? A I don't know.
Q Is she living? A Yes sir.
Q Who the mother of this child? A Yes sir.
Q Is the mother going to enroll herself? A Yes sir. (She must enroll her own child.)
1880 roll; page 111, #1283, A. M. Gott, Cooweescoowee.
1880 roll; page 111, #1284, Sue T. Gott, "
1896 roll; page 306, #428, Alfred M. Gott, "
1896 roll; page 171, #2079, Sue T. Gott, "
Q How long have you lived in the Cherokee Nation? A Thirty years.
Q Living here now are you? A Yes.
Q Living with your wife allthis time? A Yes.
Q Living with your wife now? A Yes sir.
Commissioner-

The name of Alfred M. Gott appears upon the authenticated roll of 1880 as well as the Census roll of 1896. The name of his wife, Susan T. Gott, also appears upon the Census roll of 1896 and the authenticated roll of 1880 as Sue T. Gott as a Cherokee citizen by blood. Being duly identified according to page and number of the rolls, the said Alfred M. Gott will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife, Sue T. Gott, as a Cherokee citizen by blood.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 17th day of October, 1900.

Commissioner.

MEMORIAL OF THE NATION,
TO THE FIVE CIVILIZED TRIBES
FILED
DEC 20 1902
Acting Chairman

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, October 13th, 1902.

In the matter of the application of Alfred M. Gott for the enrollment of himself as a citizen by intermarriage and his wife, Susan T. Gott, as a citizen by blood of the Cherokee Nation.

Supplemental to #1815.

ALFRED M. GOTT, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Alfred M. Gott.
Q. How old are you? A. 58.
Q. What is your post office? A. Nowata.
Q. Are you a white man? A. Yes, sir.
Q. You are on the sighty roll as an intermarried white?
A. Yes, sir.
Q. What is your wife's name? A. Susan Harris.
Q. Has she any middle name--"T"? A. Yes, sir; Susan T.
Q. Was she your wife in 1880? A. Yes, sir.
Q. Have you and your wife Susan T. lived together in the Cherokee Nation ever since 1880? A. Yes, sir.
Q. You were living together on the first day of last September?
A. Yes, sir; lived together ever since we were married.
Q. You have no children? A. No, sir; none of our own, just a child that we raised.

||||||||||||||||||||||||||||||||||||||||

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 20th day of December, 1902.

B O Jones
Notary Public.

C. F. B. Cherokee 4515.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 17, 1907.

In the matter of the application for the enrollment of Alfred M. Gott as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person.

APPEARANCES:

Cherokee Nation, represented by
W. W. Hastings, Attorney.

Alfred M. Gott being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Alfred M. Gott.
Q What is your age? A 63; I was born in '44.
Q What is your post office address?
A Nowata.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A None.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation, is by virtue of your marriage to a citizen by blood?
A Yes sir.
Q What is the name of the citizen through whom you claim that right?
A Susan T. Harris.
Q Susan T. Harris.
Q Is she living at this time? A Yes sir.
Q When did you marry her? A November 8, '69.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her?
A Yes sir.
Q Living in the Cherokee country?
A Yes sir.
Q Since your marriage to her, have you and she continuously lived together as husband and wife?
A We have.
Q And lived in the Cherokee Nation all the time?
A Yes sir.
Q Did you secure a license and marry your wife in accordance with the law of the Cherokee Nation?
A I did.
Q In what district was that license issued?
A Illinois; at Fort Gibson. I think George Sanders was the clerk then.
Q You have no witnesses here today who have actual knowledge of your marriage license having been issued to you?
A I can't say that there is anybody here who saw the license. The preacher and clerk are the only ones I know of who saw it.
Q Did you ever have a copy of the license?

A I don't recollect as to that, whether I ever did or not. It is only an accident that I have this certificate. I had a lot of papers burned, but this didn't happen to be among them?.

The applicant presents a marriage certificate showing that on November 8, 1869, he was married to one Susan Harris by Evan Jones, a Minister of the Gospel.

BY MR. HASTINGS.

Q You say you had a license? A Yes sir.
Q And you were married under that license?
A Yes sir.
Q The license was procured prior to this marriage in accordance with the Cherokee law?
A Yes sir.
Q Do you remember any of the people who signed your petition for a license?
A I recollect some of them; there was Byrd Harris and George Sanders.
Q You state positively that you did get a license and that this marriage was under that license?
A Yes sir.

ON BEHALF OF COMMISSIONER.

The applicant, Alfred M. Gott, is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 1283. His wife, Susan T. Gott is identified on said roll at No. 1284, and her name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 10,825.

Q Since your marriage in 1869, you have enjoyed all the rights and exercised all the privileges of a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Have you ever held any office in the Cherokee Nation?
A No sir; I don't think I have.
Q But you voted at the elections?
A Yes, I voted; have been on juries, and everything of that sort; exercised all the rights and privileges of a citizen.
Q Were you ever married prior to your marriage to your wife, Susan T. Gott?
A No sir.
Q Was she ever married prior to her marriage to you?
A No sir.
Q You don't remember the clerk's name?
A No, I am not positive; I think it was George Sanders.

C. F. B. Cherokee 4515.

James M. Keys being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A James M. Keys.
Q What is your age? A 63.
Q What is your post office address?
A Pryor Creek, Indian Territory.
Q Do you know a person in the Cherokee Nation by the name of Alfred M. Gott?
A I do.
Q How long have you known him?
A Ever since 1868 or '69.
Q What is his wife's name? A Susan T. Gott. Her maiden name was Harris.
Q Alfred M. Gott is a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Did you know Susan T. Gott before her marriage to her husband, Alfred M. Gott?
A Yes sir; I knew her prior to the war.
Q She was a recognized citizen by blood of the Cherokee Nation?
A She was.
Q Do you remember when these parties were married?
A I remember about the time; they were married in '69 I think.
Q Since that time, do you know of your own personal knowledge that Alfred M. Gott has exercised all the rights and enjoyed all the privileges of a citizen by intermarriage of the Cherokee Nation?
A Yes sir; he has.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill T

Subscribed and sworn to before me this the 19th day of January, 1907.

John E. Tidwell
Notary Public.

C. F. B. Cherokee 4515.

(COPY)

November 8th, 1869.

This is to Certify that the rites of Matrimony between Mr. A. M. Gott of Falls County, Texas, and Miss Susan Harris of Fort Gibson in the Cherokee Nation were by me this day duly solemnized.

Evan Jones,

Minister of the Gospel.

Witness:

Chas. Harris, M. D.

Minerva Kerr.

G. W. Elliott.

The undersigned being first duly sworn states that the above is a true and correct copy of the original marriage certificate of said A. M. Gott and Susan Harris.

Myrtle Pill

Subscribed and sworn to before me this the 21st day of January, 1907.

B. P. Ramm

Notary Public.

E. C. M. Cherokee 4515.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 9, 1907.

In the matter of the application for the enrollment of Alfred M. Gott as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL.

Cherokee Nation represented by W. W. Hastings, Attorney.

Henry Eiffert being first duly sworn by S. C. Pitts, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Henry Eiffert.
Q What is your age? A 57.
Q What is your post office address? A Fort Gibson.
Q You appear here for the purpose of giving testimony relative to the right of Alfred M. Gott to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.

BY MR. HASTINGS.

Q How long have you known the applicant, Alfred M. Gott?
A My recollection is I got acquainted with him about 1868.
Q Was that before his marriage?
A Yes sir; I knew him before his marriage.
Q Where did he live at that time?
A I think he was living with Capt. Jackson; near Fort Gibson; he was in the cattle business.
Q Did you know his wife? A Yes sir.
Q Did you know her previous to her marriage?
A Yes sir.
Q What was her maiden name?
A Harris; Sue, I think.
Q Did you know of the circumstance of their marriage?
A Yes sir.
Q Were you acting in any official capacity at that time?
A As deputy clerk under William P. Boudinot, District Clerk, Cherokee Nation.
Q What district? A Illinois District.
Q Do you remember the circumstance of issuing a marriage license to the applicant, Alfred M. Gott?
A No sir; I don't remember the issuance.
Q You were at that time, however, deputy clerk of Illinois District? A Yes sir.
Q Do you remember the circumstance of their marriage?
A Yes sir.
Q You know that they were married?
A Well, I know it in a sense; parties that went to the wedding told me they were married and I was at the ball they had that night in honor of his marriage; I didn't see them married.
Q It was a well known fact throughout the neighborhood that they were married?
A Yes sir; that was the rumor.

Q Do you know where they were said to have been married?
A I think over at Capt. Jackson's residence near Fort Gibson.
Q Did they live together as husband and wife after that time?
A Yes sir; have continuously ever since; I have visited them at their house.
Q But you cannot remember the circumstances of the issuance of the license?
A No sir, I can't; that is so long ago that I have no personal recollection of issuing the license.
Q William P. Boudinot was the regularly appointed clerk and you was his deputy?
A Yes sir.
Q Do you know whether Mr. Gott and his wife have continuously lived together as husband and wife since that time?
A Well, I have visited them off and on ever since they were married, and a month or two ago I was at their house, and I heard nothing to the contrary.
Q Had either of them been previously married to your knowledge?
A Not that I know of; no sir. I don't think his wife was married previous. I don't know anything about Mr. Gott; he came from Texas.

Charles Harris being first duly sworn by S. C. Pitts, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Charles Harris.
Q What is your age? A 65.
Q What is your post office address?
A Muskogee, Indian Territory.
Q Mr. Harris, are you acquainted with the applicant in this case, Alfred M. Gott, and his wife, Susan Gott?
A Yes sir.
Q How long have you known them?
A 40 years.
Q Were you present at their marriage, Mr. Harris?
A Yes sir.
Q Were they married under a license issued by the authorities of the Cherokee Nation?
A To the best of my knowledge they were.
Q Did you see the license?
A I can't recollect now that I saw the license but I am confident in my mind that they were married under a license of the Cherokee Nation, because it was at a period in our history here that everything of that kind was attended to strictly.
Q You think it wouldn't have been possible for him to have been married without a license?
A No; the friends and relatives of his wife would not have suffered it.
Q Do you remember who married them,- who the minister was?
A No sir, I don't remember; 40 years is a long time.
Q You were present at the marriage? A Yes sir.
Q Saw them married? A Saw them married; yes sir.
Q Since their marriage have they continuously resided together as husband and wife?
A Yes sir.

E. C. M. Cherokee 4515.

Q What was Susan Gott's name before she was married?
A Harris.
Q She was a Cherokee, was she?
A Yes sir; Cherokee by blood.
Q You are willing to swear, Mr. Harris, that to the best of your knowledge they were married under a Cherokee license?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commissi oner to the Five Civilized Tribes she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 13th day, of February, 1907.

Charles W. Chappell
Notary Public.

C O P Y .

November 8th 1869

This is to Certify that the rites of Matrimony beween Mr A. M. Gott of Falls County Texas and Miss Susan Harris of Fort Gibson in the Cherokee Nation were by me this day duly Solemnized.

(Signed) Evan Jones
Minister of the Gospel

Witnesses
Chas. Harris M. D.
Minerva Kerr
G W Elliott

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Georgia Colbert

Subscribed and sworn to before me this 23rd day of January, 1907.

Frances A Kane
Notary Public.

E.C.M. Cherokee 4515

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alfred M. Gott as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, October 17, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Alfred M. Gott as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 13 and January 17 and February 9, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Alfred M. Gott, a white man, was married in accordance with Cherokee law November 8, 1869, to his wife, Susan T. Gott, nee Harris, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 1284 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 10825. It is further shown that from the time of said marriage the said Alfred M. Gott and Susan T. Gott resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Alfred M. Gott, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 19 1907

Cherokee 4515

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for the enrollment of Alfred M. Gott as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Enc I-104.

Commissioner.

RPI

Cherokee 4515.

Muskogee, Indian Territory, February 19, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Alfred M. Gott as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 4515.

Muskogee, Indian Territory, February 19, 1907.

Alfred M. Gott,

Nowata, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Enc I-105

Commissioner.

RPI

Cherokee
I.W.204

Muskogee, Indian Territory, April 16, 1907.

Alfred M. Gott,

Nowata, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.W-22.
S.W.

Commissioner.

Cher IW 205

Cher IW 205

DEPARTMENT OF THE INTERIOR
THE FIVE CIVILIZED TRIBES
OCT 18 1900

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, I. T., October, 17, 1900.

In the matter of the application of Elizabeth Riley for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What's your name? A Elizabeth Riley.
Q How old are you? A 55.
Q What's your postoffice address? A Nowata, I.T.
Q What district do you live in? A Cowsacoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No.
Q By intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A That myself.
Q What is your husband's name? A Burns Riley.
Q Is he living? No sir.
Q When did you marry him? A In '65.
Q When did he die? A He's been dead about 10 or 12 years.
Q Have you married again since his death? A No sir.
Q You lived with him until he died? A Yes sir.
1880 roll: page 108, #888, Betty Riley, Coowesoowee.
1896 roll; page 321, #97, Betsie Riley, Coowesoowee
Q You live in the Cherokee Nation do you? A Yes sir.
Q You have always been married? A Yes
Commissioner-

The name of Elizabeth Riley appears upon the authenticated roll of 1880 as Betty Riley as an intermarried white; also on the Dawes roll of 1896 as Betsie Riley. She being duly identified and having made satisfactory proof as to her residence, she said Elizabeth Riley will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage.

E. G. Reinhardtzer, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

Subscribed and sworn to before me this 18th day of October, 1900.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
Nowata, I. T., October, 17, 1900.

In the matter of the application of Elizabeth Riley for enrollment as a Cherokee citizen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What's your name? A Elizabeth Riley.
Q How old are you? A 55.
Q What's your postoffice address? A Nowata, I.T.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No.
Q By intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A Just myself.
Q What is your husband's name? A Rufus Riley.
Q Is he living? No sir.
Q When did you marry him? A In '66.
Q When did he die? A He's been dead about 10 or 12 years.
Q Have you married [illegible] since his death? A No sir.
Q You lived with him until he died? A Yes sir.
1880 roll; page 168, [illegible], Betty Riley, Cooweescoowee.
1896 roll; page 321, [illegible], Bettie Riley, Cooweescoowee
Q You live in the Cherokee Nation do you? A Yes sir.
Q You have always been married? A Yes
Commissioner-

The name of Elizabeth Riley appears upon the authenticated roll of 1880 as Betty Riley as an intermarried white; also on the Census roll of 1896 as Bettie Riley. She being duly identified and having made satisfactory proof as to her residence, the said Elizabeth Riley will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above case, and that the foregoing is a true and complete translation of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 18th day of October, 1900.

T. B. Needles
Commissioner.

Cherokee (Ind.).

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of Elizabeth Riley, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Samuel H. Riley, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Samuel H. Riley.
Q What is your age? A Thirty-three years.
Q Do you know Elizabeth Riley who is an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Are you related to her in any way? A I am her son.
Q She is your mother? A Yes sir.
Q Do you know her age, Mr. Riley? A She is in the fifties some place, about fifty-five.
Q You don't know her exact age? A No sir.
Q What is her postoffice address? A Nowata.
Q What was her husband's name? A Nurse Riley.
Q Is he living or dead? A Dead.
Q Your mother and your father were married prior to 1880, were they not? A Yes sir.
Q How long has Nurse Riley been dead? A Close to fifteen years.
Q Did your mother Elizabeth Riley and her husband Nurse Riley live together from 1880 up until the time of his death as husband and wife? A Yes sir.
Q They were never separated during that time? A No sir.
Q Has your mother ever been married to any other man since her marriage to Nurse Riley? A No sir.
Q Was she still a widow and single on the first day of September, 1902? A Yes sir.
Q How long has she lived in the Cherokee Nation, do you know? A Lived there all of her life.
Q Has she lived in the Cherokee Nation all the time from 1880 up to the present time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of October, 1902.

Notary Public.

Cherokee 4521.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of Elizabeth Riley, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Samuel R. Riley, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Samuel R. Riley.
Q What is your age? A Thirty-three years.
Q Do you know Elizabeth Riley who is an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Are you related to her in any way? A I am her son.
Q She is your mother? A Yes sir.
Q Do you know her age, Mr. Riley? A She is in the fifties some place, about fifty-five.
Q You don't know her exact age? A No sir.
Q What is her postoffice address? A Nowata.
Q What was her husband's name? A Rufus Riley.
Q Is he living or dead? A Dead.
Q Your mother and your father were married prior to 1880, were they not? A Yes sir.
Q How long has Rufus Riley been dead? A Close to fifteen years.
Q Did your mother Elizabeth Riley and her husband Rufus Riley live together from 1880 up until the time of his death as husband and wife? A Yes sir.
Q They were never separated during that time? A No sir.
Q Has your mother ever been married to any other man since her marriage to Rufus Riley? A No sir.
Q Was she still a widow and single on the first day of September, 1902? A Yes sir.
Q How long has she lived in the Cherokee Nation, do you know? A Lived there all of her life.
Q Has she lived in the Cherokee Nation all the time from 1880 up to the present time? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothrubergen

Subscribed and sworn to before me this 23rd day of October, 1902.

B. O. Jones
Notary Public.

B 4521

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 17 1906

ACTING CHAIRMAN

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 17 1900 1900.

Name Nowata I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License I.T. Certificate

Wife's name Elizabeth Riley

District COOWEESCOOWEE. Year 1880 Page 162 No. 2353

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

In 1880 married Betty Riley

C. F. B. Cherokee 4521.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 29, 1907.

In the matter of the application for the enrollment of Elizabeth Riley as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES.

Applicant appears in person.

Cherokee Nation represented by
W. W. Hastings, Attorney.

Elizabeth Riley being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Elizabeth Riley.
Q What is your age? A 63.
Q What is your post office address?
A Nowata.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A No.
Q You claim the right to enrollment as a citizen of the Cherokee Nation by virtue of your marriage to a citizen by blood?
A Yes sir.
Q What is the name of the citizen through whom you claim that right?
A Rufus Riley.
Q Is he living? A No, he's dead.
Q When were you married to Rufus Riley?
A The 12th day of July, 1865.
Q Was he a recognized citizen of the Cherokee Nation at the time you married him?
A Yes sir.
Q Living in the Cherokee country?
A We were in the Choctaw Nation; he went South during the war.
Q You were married in the Choctaw Nation?
A We were married there and came back here.
Q You removed to the Cherokee Nation immediately after your marriage?
A Yes sir.
Q Was he your first husband?
A He was my first hubband and only husband.
Q Were you his first wife? A I was his first wife.
Q When did he die?
A It has been 15 or 20 years.
Q Did you and he continuously live together as husband and wife until his death?
A Yes sir; we never was apart any.
Q Since his death have you married?
A No, indeed; I have never been married but once.
Q Has your residence been continuously in the Cherokee Nation?

A Here and nowhere else.
Q You have lived continuously in the Cherokee Nation since you removed here immediately after your marriage?
A Yes sir; never have been nowhere else.

BY MR. HASTINGS.

Q Was your husband a resident of the Cherokee Nation immediately prior to the war? A Yes sir.
Q And had gone down in the Choctaw Nation during the war?
A Yes sir.
Q And you returned back here directly after your marriage?
A Yes sir.
Q In what year did you return? A In '67.

ON BEHALF OF COMMISSIONER.

Q Were you ever known by the name of Bettie Riley?
A Yes sir.
Q Did you have any children in 1880?
A I had four children; I have three living and one dead.
Q What was the name of your oldest child? A George.
Q The next one? A Samuel.
Q The next one? A Rufus.
Q The next one? A Atwood.

The applicant, Elizabeth Riley, is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 2353. Her husband, Rufus Riley, by virtue of her marriage to whom she claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, is identified on said roll of said district at No. 2352. Immediately following the names of Rufus Riley and his wife on the 1880 roll, appear the names of the following children: George Riley, age 13; Samuel Riley, age 10; and Atwood Riley, age 3.

Q Have you any evidence of a documentary character showing your marriage to Rufus Riley?
A I guess I have some.

The applicant presents what purports to be a leaf taken from the family bible, showing that on the 12th day of July, 1865, Rufus R. Riley was married to Elizabeth Risner, in the presence of Rev. Hodskins.

Q When was this record made in the Bible?
A I can't tell you when, hardly; it has been a long time ago.
Q Can you approximate the date? Give about the date if you can.
A I can't do that.

C. F. B. Cherokee 4521.

Q By whom was the marriage ceremony performed?
A By Hodskins, Presbyterian.

The record from the family bible presented by the applicant, will be filed with and made a part of the record in this case.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this 1st day of February, 1907.

John E. Tidwell
Notary Public.

Cherokee 4521.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
February 11, 1907.

SUPPLEMENTAL:

In the matter of the application for the enrollment of ELIZABETH RILEY as a citizen by intermarriage of the Cherokee Nation.

J. M. Chaney, being first duly sworn by Walter W.Chappell, a Notary Public, testifies as follows:

ON BEHALF OF COMMISSIONER:

Q What is your name?
A J. M. Chaney.
Q What is your age?
A 58 years.
Q Your post-office address?
A Ruby, Indian Territory.
Q You appear here for the purpose of giving testimony relative to the right of Elizabeth Riley to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you been acquainted with Elizabeth Riley?
A Since about September, 1873.
Q Were you acquainted with her husband, Rufus Riley?
A Yes sir.
Q Were they married when you first became acquainted with them?
A Theywere living together as man and wife.
Q Did they hold themselves out as husband and wife?
A Yes sir.
Q Were they regarded as citizens of the Cherokee Nation?
A Yes sir.
Q Are they both living now?
A No sir.
Q Both dead?
A No sir, Mr. Riley is dead.
Q Do you remember when he died?
A No sir, I do not, exactly.
Q About how long ago was it?
A I think about twenty-five years ago.
Q Can you testify positively that Rufus Riley was a citizen by blood of the Cherokee Nation?
A Yes sir, he always was recognized as that
Q Did they continuously reside together as husband and wife and live in the Cherokee Nation until the death of Rufus Riley?
A Yes sir.
Q Since the death of Rufus Riley has Elizabeth Riley re-married?
A No sir.
Q You don't know whether either of them had ever been married before?
A No sir, I do not.

(Witness excused)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Georgia Lovely
Stenographer.

Subscribed and sworn to before me this 12th day of February, 1907.

Walter W. Chappell
Notary Public.

Cherokee 4521.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory,
February 11, 1907.

SUPPLEMENTAL:

In the matter of the application for the enrollment of ELIZABETH RILEY as a citizen by intermarriage of the Cherokee Nation.

A. H. Norwood, being first duly sworn by Walter W. Chapell, a Notary Public, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name?
A A. H. Norwood?
Q Your age?
A 56 years.
Q Your post-office address?
A Dewey, I T.
Q Are you acquainted with the applicant in this case, Elizabeth Riley?
A Yes sir.
Q Were you acquainted with her husband, Rufus Riley?
A Yes sir.
Q How long have you known them?
A I got acquainted with them in February, 1873.
Q Were they living together as husband and wife at that time?
A Yes sir.
Q Was he regarded as a citizen by blood of the Cherokee Nation.
A Yes sir.
Q Is he living now?
A No sir.
Q When did he die?
A I don't remember the time, but it has been a number of years ago.
Q As many as twenty years?
A I can't fix the date exactly.
Q Have you been acquainted with Elizabeth Riley since the death of Rufus Riley?
A Yes sir.
Q Is she a widow?
A Thats my understanding.

(Witness excused)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Dora A. Carley
Stenographer.

Subscribed and sworn to before me this 11th day of February, 1907.

Walter W. Chapell
Notary Public.

CERTIFIES

THAT

_____ and _____

Were solemnly united by me in the

Holy Matrimony

at Choctaw Nation

on the Twelfth day of July

in the year of our Lord One Thousand Eight Hundred

and Sixty [illegible] conformably to the Ordinance

of God, and the Laws of the State.

In Presence of

[illegible]

Signed

[illegible]

[illegible]

C E R T I F I E D C O P Y .

This

CERTIFIES

THAT _____ and _____

were solemnly united by me in the Holy Bonds of Matrimony at Choctaw Nation on the twelfth day of July in the year of our Lord One Thousand Eight Hundred and Sixty five conformably to the Ordinance of God, and the Laws of the State.

In Presence of
Rev. Hodskins.

(Signed)
Rufus R. Riley
Elizabeth Riggr.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Georgia Colvert
Stenographer.

Subscribed and sworn to before me this 14th day of February, 1907.

Ossie W. Parrell
Notary Public.

E C M

Cherokee 4521.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ELIZABETH RILEY as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory October 17, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Elizabeth Riley as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 6, 1902, January 29, 1907 and February 11, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Elizabeth Riley, a white woman, was married on July 12, 1865 to one Rufus Riley, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District No.2352, as a native Cherokee. It is further shown that from the time of said marriage until the death of said Rufus Riley, which occurred about the year 1887, the said Rufus Riley and Elizabeth Riley resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Rufus Riley the said Elizabeth Riley has remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 as "Betty Riley" and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Elizabeth Riley is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 13 1907.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
4521.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 27, 1906.

Elizabeth Riley,

Nowata, Indian Territory.

Dear Madam:

November 6, 1906, the United States supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

Wm. O. Beall.

H.J. .

Acting Commissioner.

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.	Time Filed	Check
		Cherokee 4521

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

R.C.W.

Muskogee, Indian Territory, 8, 1907

Elizabeth Riley,

Nowata, Indian Territory.

Intermarried case incomplete. Testimony of witnesses having knowledge of date of your marriage necessary. Produce same at once.

Dixby,

Commissioner

C.R.C.R.Paid

READ THE NOTICE AND AGREEMENT ON BACK.

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any UNREPEATED message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be INSURED by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

ROBERT C. CLOWRY, President and General Manager.

Cherokee 4521

Muskogee, Indian Territory, February 8, 1907.

Special

Elizabeth Riley,

Nowata, Indian Territory.

Dear Madam:

The Commissioner sent you this day a telegram as follows:

"Intermarried case incomplete. Testimony of witnesses having knowledge of date of your marriage necessary. Produce same at once."

The Act of Congress approved April 26, 1906, provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907.

This matter, therefore, demands your immediate attention.

Respectfully,

MMP

Commissioner.

Cherokee 4521

Muskogee, Indian Territory, February 18, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, granting the application for the enrollment of Elizabeth Riley as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-35
JMH

Commissioner.

Cherokee 4521

Muskogee, Indian Territory, February 18, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Elizabeth Riley as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

D. W. Hastings

Attorney for Cherokee Nation.

Cherokee 4521

Muskogee, Indian Territory, February 18, 1907.

Elizabeth Riley,

Nowata, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the Decision of the Commissioner to the Five Civilized Tribes, dated February 16, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.H-36
JMH

Commissioner.

NOWATA, IN.
DEC
28

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Elizabeth Riley,
Nowata, Indian Territory.

NOWATA
DEC
31

Cher IW 206

Cher IW 206

1898	98	98	Ouray Utah
1898	87	252	Quartzite, H. Colorado
1898	14	242	Ouray Utah
1898	20	348	Silver Mountain, C. Colorado

"Sir:

"Your letter of the 20th inst. with the enclosure received and was duly filed in the office of the Commissioner of Indian Affairs and the Secretary of the Interior. A copy of the letter of the Commissioner of Indian Affairs is herewith inclosed for your information and guidance.

"Your letter of the 14th inst. with the enclosure received and was duly filed in the office of the Commissioner of Indian Affairs and the Secretary of the Interior. A copy of the letter of the Commissioner of Indian Affairs is herewith inclosed for your information and guidance.

"Your letter of the 18th inst. with the enclosure received and was duly filed in the office of the Commissioner of Indian Affairs and the Secretary of the Interior. A copy of the letter of the Commissioner of Indian Affairs is herewith inclosed for your information and guidance.

"Your letter of the 20th inst. with the enclosure received and was duly filed in the office of the Commissioner of Indian Affairs and the Secretary of the Interior. A copy of the letter of the Commissioner of Indian Affairs is herewith inclosed for your information and guidance.

"Very respectfully,

"Thos. Ryan,
Acting Chairman."

Hon. Thos. Ryan,
Acting Chairman,
Commission to the Five Civilized Tribes,
Muskogee, I.T.

"Sir:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. January, 18th 1901.

In the matter of the application of Charles Henry DeLano, for the enrollment of himself and wife as Cherokee citizens. He being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. Charles Henry DeLano.
Q How old are you? A. 56.
Q What is your post office? A. Texanna.
Q What district do you live in? A. Canadian.
Q Who is it that you want to have enrolled, yourself and family? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q How many children? A. Haven't any.
Q Are you a Cherokee by blood? A. Yes sir.
Q Full blood? A. Yes sir.
Q Is your wife a Cherokee by blood? A. She is a Cherokee but her blood has never been proven, so she is considered as a white woman.
Q You apply for her then as a white woman? A. Yes sir.
Q Have you lived in the Cherokee Nation all your life? A. Yes sir.
Q Give me the name of your father? A. Youngduck.
Q Is Youngduck dead? A. Yes sir.
Q Give me the name of your mother? A. As well as I remember, her name was Mariah.
Q Dead? A. Yes sir both of them died when I was young.
Q Give me the name of your wife? A. Mary E.
Q How old is your wife? A. Somewhere between 47 and 50 years old.
Q When did you and she marry? A. 1873.
Q Have you lived together ever since your marriage? A. Yes sir.

1880 roll, page	14	No. 372,	C. H. Delana,	Canadian	district.
1880	14	373	Mary Delano,	"	"
1896	19	527	Charles H. Delano,	"	"
1896	86	68	Mary Delano,	"	"

***The applicant applies for the enrollment of himself and wife; he is identified on he 1880 and 1896 rolls as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. He applies for his wife as a white woman, she is identified with him on he 1880 and 1896 rolls as an adopted Cherokee; she has lived with her husband ever since their marriage in 1873, and she will be listed for enrollment as a Cherokee by adoption.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas von Weise

Subscribed and sworn to before me this the 18th of January, 1901.

D. B. L. S.

Commissioner.

Cher # 7091

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of CHARLES DE LANO, for the enrollment of himself as a citizen by blood, and his wife Mary E. De Lano, as a citizen by intermarriage, of the Cherokee Nation:

MOLLIE DE LANO, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Mollie De Lano.
Q What is your age at this time ? A 48 years old. I don't know how my husband give it in, he made application for me before.
Q If he gave your age as 48 then, he made a mistake ?
A Yes sir.
Q What is your post office address Mrs. De Lano ?
A Texana.
Q Are you the same person for whom application was made on January 18, 1900, for enrollment as an intermarried citizen under the name of Mary E. De Lano ? A Yes sir; sometimes they sign it that way.
Q What is your right name ?
A My ma called me Mary, but they all call me Mollie Elizabeth.
Q Do you want to be enrolled as Mollie Elizabeth or as Mary E ?
A I want to be enrolled as Mollie. Nobody called me Mary but my mother.
Q What is your husband's name ? A Charles Henry.
Q Is he a citizen by blood of the Cherokee Nation ?
A Yes sir.
Q Is he living at this time ? A Yes sir.
Q When were you and he married ? A In 1873, November 30th.
Q Were you married prior to your marriage to him ? A No sir.
Q Was he marriedprior to his marriage to you ? A No sir.
Q You are his first wife ? A Yes sir.
Q And he is your first husband ? A Yes sir.
Q You have never been separated since your marriage ?
A No sir.
Q Living together as husband and wife on September 1, 1902 ?
A Yes sir.
Q How long have you lived in the Cherokee Nation ?
A Ever since I was about two years old.
Q Have you lived here all the time since 1880 in the Cherokee Nation ? A Yes sir.
Q Has your husband lived here all the time since 1880 in the Cherokee Nation ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this October 12, 1902.

B O Jones
Notary Public.

Cherokee No.
7091.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, INDIAN TERRITORY, JANUARY 5, 1907.

IN THE MATTER of the application for the enrollment of Mollie E. Delano as a citizen by intermarriage of the Cherokee Nation.

MOLLIE E. DELANO, being first duly sworn by John E. Tidwell, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Mollie Elizabeth Delano.
Q You want your name to go down as Mollie E. Delano? A Yes sir.
Q What is your age? A Fifty-two.
Q What is your postoffice address? A Texana, Oklahoma, now.
Q Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q You have no Cherokee blood? A No sir; well, I can't say anything about that because we never proved our rights.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of the citizen through whom you claim your right to citizenship? A C. H. Delano.
Q Is he living or dead? A Yes sir, he is here.
Q When did you marry him? A We married in November 29th, 1873.
Q Was he a recognized citizen of the Cherokee Nation at the time you married him? A Yes sir.
Q Living in the Cherokee country, was he? A Yes sir, he was born and raised in the Cherokee country, and never been outside except to go on little trips.
Q He is your first husband? A Yes sir.
Q You were his first wife? A Yes sir.
Q Since you were married to Charles H. Delano in 1873 have you and he continuously resided together as husband and wife? A. Yes sir.
Q And always lived in the Cherokee Nation? A Yes sir, right there in Texana.
Q Have you any documentary evidence, showing your marriage to your husband? A. Well, I know, it is hard for me. We were married by the Cherokee law by a Circuit Judge or District Judge; our marriage was recorded in the Clerk's office at Webbers Falls; we haven't but one witness living now and that

A. is my sister. There was a witness, but a man told me awhile ago he was dead; they are all dead except my sister.
Q Where is she living? A In Texana, about thirty-five Miles from here.
Q Was she present? A Yes sir.
Q This Judge didn't give you any certificate? A No sir.
Q You think it is a matter of record there? A Yes, I know our marriageis recorded.
Q What District is that in? A Canadian District, Cherokee Nation.

ON BEHALF OF THE COMMISSIONER:

The applicant, Mollie E. Delano, is identified on the authenticated Cherokee tribal roll of 1880, Canadian District, opposite No. 373. The name of her husband Charles H. Delano is enrolled in an approved partial roll of citizens by blood of the Cherokee Nation opposite No. 16909.

(Witness dismissed).

CHARLES H. DELANO, being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Charles Henry Delano.
Q What is your name? A I never did knew for certain; I have always put it down as so and so.
Q The records of this office show you to be about 56 years old, do you think that is about right? A Some where in the neighborhood.
Q What is your postoffice address? A Texana.
Q Are you a citizen by blood of the Cherokee Nation? A Yes; I have been taught that all my life.
Q What is your wife's name? A Mollie Elizabeth Delano.
Q When were you married to her? A In 1873.
Q Where were you married? A We was married at Judge Taylor's residence, on what was called Dirty Creek, about seven or eight miles north of Webbers Falls.
Q In Canadian District? A Yes sir.
Q Did the preacher give you a certificate? A No sir, we didn't get any; we was married by a Judge.
Q Since your marriage to your wife, have you and she lived together continuously as husband and wife? A Yes sir.
Q And always lived in the Cherokee Country? A Yes sir; never been out of it.

(Witness dismissed).

[redacted]

[redacted]

R. C. K. Cherokee 9092.

[illegible] OF THE [illegible],
[illegible] TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 6, 1897.

In the matter of the application for the enrollment of Hollie Delano as a citizen by intermarriage of the Cherokee Nation.

Dennis E. McClure being first duly sworn by Mrs. Lynne K. Lane, Notary Public, testified as follows:

Q What is your name? A Dennis E. McClure.
Q What is your age? A 55.
Q What is your post office address? A Tahlequah.
Q What relation are you to the applicant, Hollie Elizabeth Delano?
A I am her sister.
Q You come here for the purpose of giving testimony in the matter of the application for the enrollment of your sister?
A Yes sir.
Q What is the name of your sister's husband?
A C. E. Delano.
Q Is he a Cherokee? A Yes sir.
Q When were they married? A In 1873.
Q Can [illegible] you give the date of the month?
A 25th of November, I think.
Q Were you present at the marriage?
A Yes sir.
Q Was her husband a recognized citizen of the Cherokee Nation at the time she married him?
A Yes sir.
Q Living in the Cherokee country? A Yes sir
Q Is he her first husband? A Yes sir.
Q Is she his first wife? A Yes sir.
Q Since her marriage to Charles E. Delano, have they continuously resided in the Cherokee Nation as husband and wife?
A Yes sir.
Q They have never been out of the Nation?
A No sir.
Q Were you acquainted with Charles E. Delano before your sister married him?
A Yes sir.
Q How long had you known him prior to his marriage?
A Quite a while; ever since he was a school boy.
Q Has he always been recognized as a citizen of the Cherokee Nation?
A Yes sir.

G. F. B. Cherokee 7091.

Q Are you the only witness to the marriage who is now living?
A The only one that I know of. Mr. Riley and Mr. Jim Alexander are dead; and the Taylor family, I don't know of any of the children who are living.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 12th day of February, 1907.

Walter W. Chappell

E.C.M.

Cherokee 7091

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mollie Delano as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, January 18, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Mollie Delano as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 2, 1902, and January 5 and February 6, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mollie Delano, a white woman, married in November 1873, one Charles H. Delano, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, No. 372 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 16909. It is further shown that from the time of said marriage the said Charles H. Delano and Mollie Delano resided together as husband and wife, and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Mollie Delano, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 19 1907

Cherokee 7091

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for the enrollment of Mollie Delano as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Enc I-106

Commissioner.

RPI

Cherokee 7091.

Muskogee, Indian Territory, February 19, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Mollie Delano as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 7091

Muskogee, Indian Territory, February 19, 1907.

Mollie Deland,

Texarma, Indian Territory.

Dear Madam:

There is enclosed herewith copy of the decision ofthe Commissioner to the Five Civilized Tribes, dated February 19, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Enc I-107

RPI

Cher IW 207

Cher IW 207

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

NANCY J. SANDERS

As a citizen by intermarriage of the Cherokee Nation

Cherokee 7312

7317a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 1 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. February, 18th 1901.

In the matter of the application of Nancy J. Sanders for the enrollment of herself and one child as Cherokee citizens, she being sworn before Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Nancy J. Sanders.
Q What is your age? A. 47.
Q What is your post office address? A. McLain.
Q What district do you reside in? A. Canadian.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. No sir by inter-marriage.
Q Whodo you desire to have enrolled? A. Myself and one child
Q What is the child's name? A. Sallie.
Q How old? A. Sixteen
Q Are you married? A. No sir.
Q What was your husband's name? A. John
Q Is he living? A. No sir.
Q Was he a Cherokee by blood? A. Yes sir.
Q When did you marry him? A. About 30 years ago.
Q When did he die? A. 16 years ago.
Q Have you married since? A. Yes sir.
Q What is your present name? A. Sanders.
Q You and your last husband seperated? A. Yes sir.
Q Was your last husband a white man? A. No sir.
Q What was your last husbands name? A. Zeek Cline.
Q Is he living? A. Yes sir
Q Did you live with John Sanders from the time you married him until his death? A. Yes sir.
Q And afterwards married Cline? A. Yes sir.
Q Were you divorced from him? A. Yes sir.

Upon an examination of the 1880 authenticated rolls of the Cherokee Nation, there is found on page 49, #1356, the name of N. J. Sanders in Canadian district.

Upon an examination of the 1896 census roll of the Cherokee Nation, page 93, #271 there appears the name of Nannie J. Sanders in Canadian district. Page 69, #1893 thereof appears the name of Sallie Sanders in Canadian district.

Q Did you sue Cline for divorce or did he sue you? A. I sued him; he tried to sue me first and failed to get it and afterwards I applied for a divorce from him and got it.
Q Do you claim citizenship by virtue of your marriage with Sanders or Cline? A. I go by the name of Sanders.
Q You stated that you lived with Mr. Sanders from the time of your marriage until his death? A. Yes sir.
Q And this child Sallie is a child by Sanders? A. Yes sir.
Q Is this child alive now? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Ever since I was eight or ten years old.
Q Live here now? A. Yes sir.
Q Before what Court did Mr. Cline apply for a divorce? A, Cherokee Court at the Falls.
Q And then you sued? A. Yes sir.
Q On what grounds? A. I dont recollect now.
Q Had he left you? A. Yes sir.

Com'r Needeles,-
The name of Nancy J. Sanders is found on the authenticated 1880 roll as N. J. Sanders an intermarried white and on the

Cherokee roll of 1896 as Nannie J. Sanders. The name of the child, Sallie, by her first husband John Sanders, a Cherokee citizen by blood, is found on the roll of 1896. The testimony shows that the applicant was married to one John Sanders, a Cherokee citizen, with whom she lived until his death. She afterwards married one Zock Cline a Cherokee citizens, from whom she was divorced on her own application. Consequently she and the child Sallie will be duly listed for enrollment, she as a Cherokee citizen by intermarriage and her child Sallie as a Cherokee citizen by blood.

- -

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the 21st of February, 1901.

J. S. Mills

Commissioner.

Cher
Supp'l to # 7312

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of NANCY J. SANDERS, for the enrollment of herself as a citizen by intermarriage, and her daughter, SALLIE SANDERS, as a citizenx by blood, of the Cherokee Nation:

NANCY J. SANDERS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Nancy J. Sanders.
Q What is your age at this time, Mrs. Sanders ?
A I am going on forty nine.
Q What is your post office address ? A McLain.
Q Are you the same Nancy J. Sanders that applied to the Commission for enrollment as an intermarried citizen of the Cherokee Nation, in February, 1901 ? A Yes sir.
Q What was your husband's name ? A John Sanders.
Q Is he living or dead ? A He is dead.
Q How long since he died ? A It will be seventeen years this next December.
Q When were you married to John Sanders ?
A I don't recollect.
Q Was it before 1880 ? A Yes sir.
Q Was he your first husband ? A Yes sir.
Q Were you his first wife ? A Yes sir.
Q Now, did you live with your husband John Sanders from the time of your marriage up till his death ? A Yes sir.
Q You never separated ? A No sir.
Q He died about seventeen years ago ? A Yes sir.
Q Have you ever married since his death ? A Yes sir.
Q What is your present husband's name ? A We have separated. We was divorced. His name was Zeke Cline.
Q When were you married to Mr. Cline ?
A Six years last February.
Q Was he a citizen or a white man ? A He was a citizen.
Q Of the Cherokee Nation, and by Cherokee blood ? A Yes sir.
Q Is he living at this time ? A Yes sir.
Q How long did you and he live together ? A We were married in February, and parted in May.
Q In May of the same year ? A Yes sir.
Q You didn't live together very long ? A No sir.
Q Since you separated, you have never lived together since May six years ago ? A No sir.
Q Have you been divorced ? A Yes sir.
Q Have you married since you and Mr. Cline were divorced ?
A No sir.
Q You were still a widow and a single woman on the first day of September, 1902 ? A Yes sir.
Q Have you lived in the Cherokee Nation all the time since 1880 up to the present time ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this November 18, 1902.

Notary Public.

Cherokee 7312

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., OCT. 16, 1902.

In the matter of the application for the enrollment of Nancy J. Sanders et al. as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the 1880 authenticated tribal roll of the Cherokee Nation shows that Ezekiel Clyne is identified on that roll at page 10, #259, Canadian District, as a native Cherokee.

It is ordered that copies of this statement be filed with and made a part of the record in this case.

Commissioner.

C. F. B. Cherokee 7312.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 7, 1907.

In the matter of the application for the enrollment of Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant appears in person.

Cherokee Nation represented by E. M. Vance in behalf of W. W. Hastings, Attorney.

Nancy J. Sanders being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Nancy J. Sanders.
Q What is your age? A 52.
Q What is your post office address? A Wimer.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q You have no Cherokee blood? A No sir.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood? A Yes sir.
Q What is the name of the citizen through whom you claim the right to enrollment? A John Sanders.
Q Is he living? A No sir.
Q When did you marry him?
A It has been 38 years ago. I was married in Sequoyah District at Judge Faulkner's.
Q Was he a recognized citizen by blood of the Cherokee Nation at the time you married him?
A Yes sir.
Q Residing in the Cherokee country?
A Yes sir.
Q Was he your first husband?
A Yes sir.
Q Were you his first wife?
A Yes sir.
Q By whom were you married?
A Judge Frank Faulkner.
Q Have you any evidence of a documentary character showing your marriage to your husband, John Sanders?
A No sir; you know they didn't get license then like they do now; we just went to the Judge.
Q Did this man Faulkner who married you, give you a certificate at that time?
A No sir.
Q When did your husband die?
A He died 20 years ago the 10th of last December.
Q From the time of your marriage to him did you and he reside together continuously as husband and wife until the time of his death?
A Yes sir.

Q Since his death, have you married? A Yes sir.
Q What is the name of your second husband? A Klein.
Q When did you marry Mr. Klein?
About 7 years ago I reckon; married about 15 miles from here.
Q What was the full name of your second husband?
A Zeke Klein.
Q Was he a citizen by blood of the Cherokee Nation?
A Yes sir.
Q He was a Cherokee by blood? A Yes sir.
Q He was not a Shawnee or Delaware?
A No sir; he was a Cherokee by blood.
Q Are you living with him at the present time?
A No sir; we just lived together about 3 months.
Q He is living is he? A Yes sir.
Q And you and he lived together for a period of about three months? A Yes sir.
Q And then youmseparated? A Yes sir; got a divorce.
Q Since that time you and he have lived separate and apart?
A Yes sir.
Q Did he leave you or did you leave him?
A He left me.
Q What was the cause of his leaving you, do you know?
A He wanted to sell my property,- what my children had, and I wouldn't agree to it.
Q You owned the property, did you? A Yes sir.
Q Did you own the house in which you were living at the time he left you?
A No sir, it belonged to him; I had moved to one of his places.
Q At the time of your separation from him, did you continue to live in that house that he owned?
A No sir; no longer than the renters got out of my place.
Q You left his house and went to your own place?
A Yes sir.
Q You say you secured a divorce from him? A Yes sir.
Q Have you a copy of the decree of divorce? A No sir.
Q Where was it granted? A Here at Webber's Falls.
Q Did he appear against you at the time you sued him?
A He first sued me for a divorce and he had no graounds to get one on; then they all got at me to sue him for a divorce and they got up some papers for me to sign and I signed them; I didn't know what they was for; I can't read nor write myself. I got the divorce.
Q The divorce was granted you? A Yes sir.
Q Was he present at the time you secured the divorce?
A Yes sir; he was there at the Falls. I think the papers they got up was a kind of a compromise some way.
Q There was a contract drawn up, was there, dividing your property, and mutually agreeing to separate?
A No sir; some of my friends got me to sue him for a divorce and for him to support me as long as I lived. I went to the Falls two or three times and they got up some kind of papers, telling me what he would give me, and sent them out to me to sign, and after I signed it, that set him free and he never gave me nothing.
Q Has he contributed anything to your support since that divorce?
A No sir.
Q Has your residence been continuously in the Cherokee Nation since your marriage to your first husband?

A Yes sir; never lived no where else.

The applicant, Nancy J. Sanders, is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, No. 1356, and on the Cherokee census roll of 1896, page 93, No. 271, as an intermarried citizen of the Cherokee Nation.

To the applicant: It will be necessary for you to introduce the testimony of some witness who was present at the time of your marriage to John Sanders, or who has actual personal knowledge that you were living together as husband and wife shortly after the time that you state you married John Sanders.

Q What is the name of your oldest child?
A Cherokee; she died when she was three months old.
Q What was the name of the oldest one living in 1880?
A Walter Cornelius.
Q What was the name of the next one? A Dora Sanders.
Q Was your oldest child living in 1880 ever known as E. C. Sanders? A Not that I know of.
Q What is the name of your next child after Dora? A Lillie.
Q Is your child, Cherokee Sanders living at this time?
A She was just three weeks old when she died. That was my oldest child.
Q What was the name of the next one?
A Cornelius,-- Walter Cornelius.
Q Is Cornelius living at this time? A Yes sir.
Q Is your son, Cornelius, married? A Yes sir.
Q What is his wife's name? A Maud.
Q Has he any children? A Yes sir.
Q Give their names please.
A Clyde, Corinne, Nannie, Edward and Jessie.

Immediately following the name of the applicant herein, Nancy J. Sanders, who is identified on the Cherokee authenticated tribal roll of 1880 as above mentioned, appears the name of E. C. Sanders, whose age is given at that time as 7 years. The said E. C. Sanders is listed for enrollment on Cherokee card 4383 , under the name of Corinne Sanders, and his name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 10475. The name of the husband of the applicant, John Sanders, by virtue of her marriage to whom Nancy J. Sanders claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, is identified on said roll at No. 1355, Canadian District, marked "dead".

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 7th day of February, 1907.

John E. Tidwell
Notary Public.

E.C.M. Cherokee 7312.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 7, 1907.

In the matter of the application for the enrollment of NANCY J. SANDERS as a citizen bu intermarriage of the Cherokee Nation.

Supplemental testimony.

W. W. BREEDLOVE, being first duly sworn by Walter Chappell testifies as follows:

Q What is your name. A Walter W. Breedlove, is the way it is on the roll I guess.
Q What is your age? A I am 46.
Q What is your post office address? A I would say Fairland.
Q You come here f or the purpose of giving testimony in the case of Nancy J. Sanders in the application before the Commissioner for her enrollment as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q You are acquainted with the applicant Nancy J. Sanders?
A Yes sir.
Q How long have you know her? A I have known her since '67 I believe or '68.
Q '67 or '68? A Yes sir.
Q Were you acquainted with her first husband, John Sanders?
A Her first husband, yes sir.
Q Do you know about what time they were married?
A Well I think I do.
Q What was the date of the matriage? A Well it must have been in '68 or 9.
Q Were you present at the marriage? A No I was not present at the marriage.
Q You lived in the community? A Yes sir, I did but I was not at the marriage.
Q Can you testify positively that Nancy J. Sanders was married to her husband, John Sanders in '68 or '69? A I know that they were married in '68 or '69.
Q What reason have you for fixing this marriage in '68 or '69?
A Well I had a cousin that married a sister of this woman about two years after.
Q Is John Sanders living? A No he has been dead a good while.
Q Did John Sanders and Nancy J. Sanders reside together as husband and wife and live continuously in the Cherokee Nation fromthe time of their marriage until the death of John Sanders?
A Yes sir.
Q Has she remarried since the death of John Sanders?
A I do not think she has.
Q If she has you do not know anything about it. A No sir.

Q Are you sure that Nancy J. Sanders and John Sanders resided together as husband and wife until his death?
A No I am not sure about his death, but I knew both of them before they were married and while they lived in Sequoyah District they lived as man and wife. They moved up into Canadian District and I have never known the family since then.

BY THE ATTORNEY FOR THE CHEROKEE NATION:

Q How old are you? A I was born in '61, on the 12th day of January.
Q Were you present at the marriage of John Sanders to his wife Nancy J. Sanders. A No sir.
Q Do you know whether or not Nancy J. Sanders had been married prior to her marriage to John Sanders? A I don't understand, what is the question.
Q Do you know whether or not Nancy J. Sanders was married prior to her marriage to John Sanders? A Yes sir, I do.
Q Had she been married? A No sir.
Q Do you know whether John Sanders had been married prior to his marriage to Nancy J. Sanders? A No, he had never been married.
Q How long had you been acquainted with them before they were married? A Well I had known John Sanders pretty near all my life, and I had known this girl from the time they came here from Arkansas.
Q How many years prior to their marriage did you know them?
A I had known John Sanders I should think about--I had known him eight or ten years, ever since we came back from the South.
Q Well you think you had known them for as long as ten years before they were married? A No sir I can not say that.
Q How long did you know them? A I had known them from 4 to 5 years, just right after the War when they came back.
Q Then you were mistaken when you said you had known them for ten years before they were married. A I do not think I made that statement. Did I? I was mistaken if I made that statement, for we came back in '65, I knew them from then on. I had known John Sanders.
Q Have you been acquainted with Nancy J. Sanders ever since she was married to John Sanders in '68 ot '69? A I never saw her after she moved away. I never saw her any more until I met her here two years ago.
Q You do not know then whether she is remarried? A No sir I do not.
Q You are mot prepared to say whether she is remarried? A. No sir, I am not.
Q When were you married? A I was married in '87.
Q When was your cousin married to a sister of Nancy J. Sanders?
A When was my cousin married?
Q Yes I believe you said your cousin married a sister of this woman. A Yes, Jack Webb.
Q When was Jack Webb married to a sister of Nancy J Sanders.
A In '68 or '67 I am not sure about that.
Q Can you state positively that Jack Webb and a sister of Nancy J. Sanders were married before the marriage of John Sanders and Nancy J. Sanders. A About the same time, I believe John married first.

Q Can you state which couple was married first?
A No I cannot, I was only ten years old then.
Q You are not positive about these dates at all are you?
A Yes sir, I am positive about the date, but I do not know which were married first.
Q You not related in any way to John or Nancy J. Sanders?
A No sir.
Q You are a cousin of Jack Webb? A Yes sir.
Q Do you know whether Nancy J. Sanders had any children by John Sanders? A Yes sir.
Q What is the first child's name? A I believe he is a boy, I believe his name is Nelius Sanders.
Q You are not able to state when he was born? A No sir.

BY COMMISSIONER:

Q How long after they were married did they move away?
A I do not think it was more than two or three years.
Q Then this child was born after they had moved away?
A No sir, that child was born in Sequoyah District.
Q Can you tell if it is living now? A I do not know.

BY ATTORNEY FOR CHEROKEE NATION:

Q How did you fix the date of the marriage of John Sanders and Nancy J. Sanders? A I fixed it from a circumstance like this: I went with my father to Louisiana when I was six years old and just when we came back these people were in the Cherokee Nation, at Wilson's Rock, Wilson's Ferry some call it, it was in '68, the winter of '68 or '69.
Q How long were you gone to Louisiana? A I was gone just one winter.
Q You were there one winter? A I went down in December and came back in April, yes sir.
Q When you got back you learned that they were married?
A No sir they were not married.
Q Then what connection has your visit to Louisiana with the marriage of John and Nancy J. Sanders? A It makes me know about the date they were married.
Q You say they were not married when you got back?
A No they were not married when I came back. I came back in '68 I reckon. I was eight years old when I came back and they were married after that.
Q How long after that? A Only a short time one and a half or two years.

Q Was it as much as two years? A No I do not think it was two years.
Q Then they were married when you were about 10 or 11 years old? A Yes sir, they were married when I was nine or ten years old.
Q That makes them married in 1870 or 1871? A No sir they were married before '71 for I went away from there before '71. They must have been married in '68 or '69, that is just to the best of my belief.

The undersigned, being first duly sworn states that as stenographer t. the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the same is a full true and correct transcript of his stenographic notes thereof.

Homer J. Gonzales

Subscribed and sworn to before me this February 8, 1907.

Chesterfield Chappell
Notary Public.

E.C.M.

Cherokee 7312.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 8, 1907.

In the matter of the application for the enrollment of Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

WILLIAM McLAIN being first duly sworn by Walter E. Chappell testified as follows:

BY THE COMMISSIONER:

Q What is your name? A William McLain.
Q What is your age? A 57.
Q What is your post-office ? A Muskogee.
Q You come here for the purpose of giving testimony in the matter of the application of Nancy J. Sanders for enrollment as a citizen by intermarriage of the Cherokee Nation?
A That is what I understood.
Q How long have you known Nancy J Sanders? A I have known her even since about the year 1888 or 9.
Q Was she married at the time you knew her? A Yes sir.
Q What was the name of her husband? A John Sanders.
Q Is John Sanders living now? A No sir.
Q When did he die? A It must have been along in 1880.
Q Were they residing together as husband and wife at the time of his death? A Yes sir.
Q Was she remarried after the death of John Sanders?
A I was told she was I was not at the marriage ceremony. I was not at the marriage ceremony but they lived together as man and woman.
Q Have you ever held an official position in the Cherokee Nation
A Yes sir, I have. I have had several but at this time I was Circuit judge of the Southern Judicial District.
Q What was the name of Nancy J. Sanders' second husband?
A Cline, Ezekiel Cline.
Q While you were acting as Circuit judge of the Southern Judicial District were any divorce proceedings instituted for divorce by the applicant Nancy J. Sanders, to get a divorce from her husband Ezekiel Cline. A Yes sir.
Q The proceedings were instituted by the Nancy J. Sanders?
A Yes sir.
Q Did she secure the divorce? A Yes sir, I granted the divorce.
Q Do you remember what the grounds of the divorce were?
A The case did not come to trial. The parties got together and

came to terms. She sued for divorce and alimony. I--I do not remember the exact contention but he admitted certain allegations of willful desertion and failure to support.
Q These were the grounds on which you granted the divorce of Nancy J. Sanders? A Yes sir.
Q Since securing the divorce from Ezekiel Cline has Nancy J. Sanders remarried? A Not that I know of , she moved to Canadian District, I don't know what has become of her since then.
Q I will ask if you know whether or not John Sanders was a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Was he born and raised in the Cherokee Nation? A Yes sir.
Q Never lived out of the Cherokee Nation. A Not that I know of , he moved from Sequoyah to Canadian District, that is all.
Q Was Ezekiel Cline a whiteman or an Indian? A He was an Indian.
Q Cherokee?
A Yes sir, like I am, he did not show his Indian blood much but he was Indian.
Q He was regarded as an Indian? A Yes sir his rights were never disputed.

Homer J. Councilor being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the testimony in the above entitled cause and the above and foregoing are a full, true and correct transcript of his stenographic notes thereof.

Homer J. Councilor

Subscribed and sworn to before me this February 9, 1907.

Charles Rogers
Notary Public.

E. C. M. Cherokee 7312.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 9, 1907.

In the matter of the application for the enrollment of Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL.

Moses L. Morris being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

Q What is your name? A Moses L. Morris.
Q What is your age? A 51 years.
Q What is your post office address? A Muskogee.
Q Mr. Morris, I will ask you if you are acquainted with the applicant, Nancy J. Sanders?
A Yes sir.
Q How long have you known her?
A I first met her the 25th day of December, '73; this man was a small boy.
Q Where did you meet her?
A In Sequoyah District about 10 miles West of Fort Smith.
Q Was she married at that time?
A She was married to this young man's father.
Q What was the name of her husband at that time?
A John Sanders.
Q Was John Sanders her first husband?
A First I ever knew anything about.
Q John Sanders is dead now, is he not? A Yes sir.
Q Did Nancy and John Sanders reside together as husband and wife until his death? A Yes sir.
Q And lived in the Cherokee Nation all that time?
A Yes sir.
Q John Sanders was recognized as a citizen of the Cherokee Nation?
A Yes sir.
Q Now, Mr. Morris, after the death of John Sanders, can you tell me whether or not Nancy Sanders re-married?
A Yes, she married the second time.
Q Who was she married to? A Zeke Klein.
Q Was Zeke Klein a Cherokee Indian? A Yes sir.
Q Since that time, has she been residing with Zeke Klein?
A No sir; I disremember about how long they lived together; each of them had some grown children.
Q Were they divorced? A Yes sir.
Q Which one secured the divorce?
A I can't say; I am not sure.
Q Did she leave Klein or did Klein leave her or was it just a mutual agreement?

E. C. M. Cherokee 7312.

A I can't tell you that, my friend.
Q She has never been married to any other man, has she?
A Not to my knowledge; no sir.

The undersigned being first duly sworn states that as stenographer tot he Commmissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 13th day of February, 1907.

Walter W. Chappell
Notary Public.

F. R. Cherokee 7312.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 18, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 15, 1902, February 1, 1907, February 7, 1907, February 8, 1907, and February 9, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Nancy J. Sanders, a white woman, was lawfully married in 1869 to one John Sanders, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and who is identified upon the Cherokee authenticated tribal roll of 1880, Canadian District, Page 49, No. 1355, as a native Cherokee; that from the time of said marriage, the said John Sanders and Nancy J. Sanders resided together as husband and wife until the death of the said John Sanders on December 10, 1886.

It is further shown that in February, 1895, the said applicant was married to one Ezekiel Cline, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, Page 10, No. 259, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 17437; that the said Ezekiel Cline and the applicant herein resided together as husband and wife until May, 1895; that they then separated and thereafter, the said Nancy J. Sanders obtained a divorce from the said Ezekiel Cline. The decree of divorce in this case appears to have been rendered in accordance with an agreement entered into between the applicant and the said Ezekiel Cline. It also appears that since the said applicant was divorced from the said Ezekiel Cline, she has not remarried.

Since the applicant's marriage to her husband, John Sanders, in the year 1869, she has continuously lived in the Cherokee Nation up to and including September 1, 1902. Said Nancy J. Sanders is identified upon the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896, as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Nancy J. Sanders, is entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 20 1907

Cherokee 7312

Muskogee, Indian Territory, February 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for the enrollment of Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Enc I-225

Commissioner.

MPI

Cherokee 7312

Muskogee, Indian Territory, February 20, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Nancy J. Sanders as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 7312

Muskogee, Indian Territory, February 20, 1907.

Nancy J. Sanders,

Wimer, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Enc I-226

RPI

Commissioner.

Cher IW 208

Cher IW 208

F.R.

Cherokee 8358.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 2, 1907.

In the matter of the application for the enrollment of George W. Currey as a citizen by intermarriage of the Cherokee Nation.
Cherokee Nation represented by H. M. Vance.

George W. Currey being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name. A George W. Currey.
Q Your age? A I was born in 1842.
Q And your postoffice address? A Southwest City, Missouri.
Q You are a white man, are you? A Yes sir.
Q You claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Your claim to such right is solely by virtue of your marriage to a citizen of that nation? A Yes sir.
Q What is the name of the citizen through whom your claim?
A Frances S. Prock. Her maiden name was McGhee.
Q When were you married to Frances S. Prock? A 2nd day of January, 1874.
Q Where were you married to her? A In Delaware District.
Q Was that marriage under license of the Cherokee Nation?
A Yes sir.
Q Have you any documentary evidence showing that marriage?
A I have a license, yes.

Applicant presents certificate signed by S. N. Melton, clerk of the District Court of Delaware District, Cheroke nation, showing that a marriage license was issued to G. W. Currey and Alsy Prock on January 1, 1874, and that said marriage license was returned executed January 2, 1874.
The certificate of said S. N. Melton bears date January 9, 1874, and does not bear the seal of the nation.
Applicant also presents a certificate of T. J McGhee, Clerk of Delaware District, dated April 7, 1870, showing that Andrew Prock and Francis McGhee were married on said date.

Q Had you been married before you married Frances S. Prock?
A No sir.
Q Had she been married before she married you? A Yes sir.
Q How many times? A Once.
Q What was the name of her first husband? A Andrew Prock.
Q Was Andrew Prock ~~married~~ living at the time she married you?
A No sir.
Q At the time you married Frances S. Prock was shea citizen by blood of thse Cherokee Nation? A Yes sir.
Q Is she living at this time? A Yes sir.
Q Have you and Frances Prock resided together as husband and

wife and lived continuously in the Cherokee nation from 1874 until the present time? A Yes, I have never been away from the nation at any time.
Q You gave your postoffice address as Southwest City, Missouri; do you live in the Cherokee nation? A Yes sir, four miles and a half west of the town of Southwest city.
Q And in the Cherokee Nation? A Yes two miles west of the line.
Q Have you been out of the nation on any trips? A Nothing only on business. I went out once and was gone about four weeks with some cattle.
Q But your home has ben in the Cherokee nation all the time?
A Yes sir.
Q You have never been separated from Frances S. Currey?
A No, we have lived together all the time; she is there yet.
Witness excused.

Thomas J. McGhee, being first duly sworn by Frances R. Lane, testified as follows:
By the Commissioner.
Q What is your name? A Thomas J. McGhee.
Q What is your postoffice address? A Afton, I. T.
Q And your age? A Sixty-two.
Q Did you ever know Frances S. Prock? A Yes sir.
Q Are you related to her? A She is my sister.
Q When was she married to Mr. Prock?
A About 1870.
Q When did Mr. Prock die? A He died in 1872 as I remember.
Q And then your sister was married to George W. Currey?
A Yes, later on, in 1874.
Q And they have resided together as husband and wife and lived continuously in the Cherokee nation from the time of their mariage up to the present time? A Yes, been together from that date up to the present time.

The applicant, George W. Currey, is identified on the Cherokee authenticated tribal roll of 1880, Delaware district, No. 532, as G. W. Currie, and on the Cherokee census roll of 1896, page 567, No. 73, as George W. Curry.
The applicant's wife, Frances S. Currie, is identified on the 1880 roll, Delaware District, No. 533 as F. S. Currie, and on the 1896 census roll of 1896, page 450, opposite No. 595, as Francis S. Currey.
Q Mr. McGhee, what is Mrs. Currey's full name? A Frances Saphronia McGhee, and her present name is Frances S. Currey.
Q Mr. Currey presents a marriage license here showing that he was licensed to marry Alsy Prock? A Alsy is her Cherokee name.
Q Then Alsy Prock and Frances S. Prock are one and the same person? A Yes, the same person; that is her Cherokee name, Alsy.
Q Do you know who performed the marriage ceremony of Frances S. Prock and George W. Currey? A On New Years Day her sister told me she was going to get married--that she had gone to Robertsons now to get married. I have no reason to think that they were not married.
Q You were not present at that marriage, however? A No sir.

Statement by Mr. Wallace: The Dawes roll not [illegible] closed by the Cherokee Nation. The [illegible] judges to appoint their own clerks [illegible] pointed by us. And I further state that [illegible] this certificate to him. I am familiar with the [illegible]

In Book 2., Marriage Record Delaware District now in the possession of this office, there appears record showing that license was issued to R. E. Crosby, a citizen of the United States to marry Amy Ross, a citizen of the Cherokee Nation, on January 1, [illegible]; that the license was returned executed on Jn uary 2, 1874, and properly recorded.

Frances R. Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this February 4, 1907.

Albert W. Dappell

Notary Public.

CERTIFIED COPY.

Cherokee Nation, Del. Dc.

This is to certify that S.N. Curry a citizen of the United States was licensed to marry Alcy Frank a female Cherokee of Del. Dc Co License issued Jan 1st 1874 and returned Jan 2nd 1874. Recorded as the laws directs Dein in accordance with an Act passed By the National Council Bearin date of Oct 15" 1855. in Regard to White Men "Intermarriage in the Cherokee Nation this Jan 9th 1874.

(Signed) S.N. Melton,

Clerk of Dic
Court in Del Dc Co.

I, Harriett E. Arbuckle on oath state that the above and foregoing is a true and correct copy of the original instrument now on file with the records of this office.

Harriett E Arbuckle

Subscribed and sworn to before me this 8 day of February, 1907.

Jasper Rose
Notary Public.

E C M

Cherokee 8358.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of GEORGE W. CURREY as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Zena, Indian Territory May 14, 1902 application was received by the Commission to the Five Civilized Tribes for the enrollment of George W. Currey as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 29, 1902 and at Muskogee, Indian Territory, February 2, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, George W. Currey, a white man was married in accordance with Cherokee law January 2, 1874 to his wife, Francis S. Currey, formerly Prock, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No.533, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.19428. It is further shown that from the time of said marriage the said George W. Currey and Francis S. Currey resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation..

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, George W.Currey is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 18 1907.

Cherokee 4258

Muskogee, Indian Territory, February 18, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, granting the application for the enrollment of George W. Currey as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.H-38
JMH

Cherokee 8358

Muskogee, Indian Territory, February 18, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling George W. Curry as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hackney

Attorney for Cherokee Nation.

Cherokee 8368

Muskogee, Indian Territory, February 18, 1907.

George W. Currey,

Southwest City, Missouri.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 18, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-34
JMH

Cherokee
I.W.208.

Muskogee, Indian Territory, April 16, 1907.

George W. Curry,

Southwest City, Missouri.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.W-3.
S.W.

Commissioner.

Cher IW 209

Cher IW 209

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C.

Department of the Interior.
Commission to the Five Civilized Tribes.
Zena, I. T., May 21, 1902.

In the matter of the application of ANNIE WALKER for the enrollment of herself as a citizen by blood of the Cherokee Nation.

ANNIE WALKER, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Annie Walker.
Q What is your full name? A Annie Walker. They have it Hester Ann Walker. My son, I suppose, had it out down that way.
Q Your correct name is Annie Walker? A Yes sir.
Q How old are you? A I am about eighty or ninety. I don't know my age exactly, but the way I keep it I must be that old.
Q Whatis your post office address? A Well, sometimes at the Grove and sometimes here at Zena.
Q Where do you get your mail and papers. Get it here at Zena, and sometimes at the Grove.
Q GHowdo you want your post office put down, Zene, or Grove, or both
A Either one, sometimes I stay here with Mr. Wicked, and sometimes with Mr Wright, wherever they find my mail, at either place.
Q What district do you live in? A I don,t know as I can recollect it right now. My mindis not very good. Delaware District, I guess it is.
Q Are you a citizen by blood of the Cherokee Nation? A That is the way I was raised by my parents.
Q Are you a citizen by blood, or are you a white woman? A I am not a white woman, never was.
Q Are you a Cherokee Indian by blood? A I say I was taught that by my parents, but I could not say.
Q What is the name of your father? A Mt dather's name was Randolph Carter.
Q Is he living? A No sir,he has been dead for years.
Q Was he a Cherokeeby blood? A That is what he claimed.
Q What is the name of your mother? A Her name was Fannie Carter.
Q How long has she been dead? A She died the year before the war ended, you know how long that is better than I do.
Q Was she a Cherokeeby blood? A That is what she claijed.
Q Does your name appear upon all the rolls if the citizens of the Cherokee Nation? A I could not tell you.
Q Does your name appear upon the 1880 roll, if you know?
A I don't know. I guessit appears upon the 1880 roll.
Q Do you know whether lr not you were enrolled in 1896? A No sir.
Q You were not, or you don't know? A I don't know whether i was or not.
Q Did you ever draw any money with the Cherokee Indians?
A Never drew any money but bread money.
Q About when did you draw bread money, if you remember? I could not tell you just when it was. My recollection is not very good.
Q We just want you to tell the best you can. How much did you draw when you drew the money? A I don't know, about fifteen dollars, wasn't it.
Q Did you draw the Strip money in 1894? A No sir.
Q Why didn't you get that money? A Becuase they did not wat to give to me, I reckon.
Q Were you living here at that time? A Yes sir, and for many a year before.
Q When did you first come to the Cherokee Nation? A I could not tell you. I was very small, and I could not tell you justwhen I did come. Did you know when old Grand daddy Ridge was killed?

Q No, I wasn't here myself then? A About the time he was killed, I suppose it was, that I came here.
Q Since you first came to the Cherokee Nation, have you ever been out of it? A No sir.
W Do you live in the Cherokee Nation now? A Yes sir.
Q What was the name of your first husband? A The first husband that I was married to was Steen Walker.
Q When did he die? A He diedtwo years since the war, I think.
Q Who did you marry after he died? A Nobody.
Q You have ne er married since then? A No sir, I have not.
Q Do you sometimes go by the name of Hester Ann Walker?
Q I suppose I have. Hester Ann Walker, I guess that is my name that my parents gave me, that I went by, and I suppose it is there on the record that way. I guess they gave it in that way, some of them, I don't know.
Q Give me the na es of your children, beginning with the oldest one. A Asa K. Carter was the oldest, Julia Ann Walters was the next, and here is Hattie Hall, Hattie Wright is her name now.
Q Is that all? A That is all.
Q Have you no mo e children? A Sarah Wicked.
Q You have always borne the name f Walker, have you, since before 1880? A Yes sir.
Q Those rolls upon w ich your name appears, you appear there as Walker, Annie Walker, or Hester Ann Walker? A Either one will do I guess. I never give my name Hester Ann Walker, I ~~signrik~~ give it in Annie.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identifi ed as follows:

Page 334, #2832, Hester Ann Walker, Delaware District, age 55. Intermarried white.

1896 census rll of citizens of the Cherokee nati on examined, and applicant identif ed as follows:

Page 593, #567, Hester Ann Walker, Delaware District, age 71, intermarried white.

Q Do you know what degree of Cherokeeblood you have? A No sir, could not tell you?
Q Do you knew whether or not you are a half breed, or a quarter blood? A No sir.But I never was called a white woman.
Q Ca you explain why your name appears on the rolls as Hester Ann instead of Annie? A My name being on the roll as Hester Ann, that was the name my parents gave me, but I never give my name in that way. When I sign it I just sign it Annie.
Q How do you want to be enrolled, by the name of Annie, or Hester Ann Walker. A Just enroll me by Annie. Double names, I don't see any sense in them.

The applicant's daughter, Sarah Wicked, appears upon straight card 2840.

Annie Walker will be listed for enrollmentupon straight card.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 26th day of May, 1902.

W W Guthrie
Comm

2/

#8510

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JUL 28 1902

Statement of Applicant Taken Under Oath.

Zena, I.T. A-245

CHEROKEES BY BLOOD AND ADOPTION.

Date May 21 1900

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Annie Walker, Zena, I.T.

District Delaware Year 1880 Page 334 No. 2832

Citizen by blood yes Mother's citizenship { Randolph Carter C-d / Fannie Carter C-d

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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On 1880 Roll as Hester Ann Walker
" 1896 " p 593 # 567 as Hester A. Walker Delaware Dist.

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Mr. Hutchinson. Mr. Chairman, I yield to the gentleman from Ohio [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I rise to support the amendment offered by the gentleman from Ohio [Mr. WOLPE]. I am a member of the Committee on Ways and Means and I have been a member of the Committee on Ways and Means for the last 10 years. I have served on the Committee on Ways and Means for the last 10 years. I have served on the Committee on Ways and Means for the last 10 years. I have served on

JOR.
Char. 8510.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 27, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of ANNIE WALKER as a citizen by intermarriage of the Cherokee Nation.

HARRIET WRIGHT, being first duly sworn, and being examined testified as follows:

BY COMMISSION: What is your name? A Harriet Wright.
Q How old areyou? A As well as I remember, I think about forty-seven.
Q What is your post office address? A Grove.
Q You are a white woman, are you? A Yes sir.
Q You have just given testimony in your own case, have you? as an intermarried citizen? A Yes sir.
Q In whose case do you now desire to give testimony?
A My mother's.
Q What is her name? A Annie Walker.
Q About how old is she? A I don,t know, I guess she is pretty near ninety.
Q Is she a white woman? A yes sir.
Q Is she a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What is the reason she is not here in person? A Because she is so old she could not get here very handy, and she is blind besides.
Q Is she very feeble? A Yes sir.
Q Is she able to walk around? A Yes sir, she knocks around in the yard and about the house.
Q Does she travel anywhere? A No sir, only as we take her. Shecan not stand it to travel very far.
Q What is the name of the man through whom she claims her dtizenship
A Steen Walker.
Q Is he living? A no sir.
Q Was he a Cerokee by blood, A Yes sir.
Q About when were they married? A They married about three years before the war, I can't tell you any more than that.
Q Is Steen Walker your father? A No sir.
Q Heis your step-father? A Yes sir.
Q How long has Steen Walker been dead? A He has been dead, as well as I remembe, about a year after the war. That is as good as I can recollect. It may have been a year or two, after the war, I can't recollect.
Q Was your mother ever married before she married Steen Walker?
A Yes sir, she had been married before that
Q What was the name of her first husband? A I could not tell you.
Q Was he living when she and Steen Walker were married? A No sir.
Q Has your mother only been married twice? A Yes sir.
Q Was her first husband your father? A No sir.
Q Then she has been married three times? A Yes sir, it is three times. Hall was my father's name.
Q Was she married to Hall before or after she married Steen Walker?
A It was before. Steen Walker was her last man.
Q Was your father living when she married Steen Walker? A No sir.
Q Did your mother and Steen Walker live together continuously until the time of his death? A Yes sir.
Q Were they living together when he died? A Yes sir.
Q Has your mother married since Steen Walker died? A No sir.
Q She has never lived with any othee man? A No sir.
Q Continued to live single? A Yes sir.

Q Her name appears upon the 1880 roll, doesit? A Yes sir.
Q Has she resided in the Cherokee nation continuously for the last twenty-five or thirty years? A Yes sir, she has been here since I can recollect.
Q Has she ever been out? A No sir, at that I know of.
Q She has no minor children, has she? A No sir, she has only three children, that's all. Sallie is the youngest one, that is Walker's girl.

ALCY BLACK, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Alcy Black.
Q How old are you? A Twenty-four.
Q Whatis your post office address? A Grove.
Q You are a recognized citizen by blood of the Cherokee nat on?
A Yes sir.
Q Do you knowAnnie Walker? A Yes sir.
Q Is she related to you? A Yes sir, she is my grandmother.
Q Do you know her present physical condition? A Yes sir.
Q What is it? A She is old and blind and can't see to get around, and she is feeble. She has to have help to take her around and show her how to get around.
Q Do you think it would be impossible for her to come before the Commission in person? A yes sir.
Q She is a citizen by intermarriage of the Cherokee nation?
A Yes sir, so I have been told.
Q Recognized as such? A yes sir.
Q You, of course, don't know anything about her marriages?
A No sir.
Q Has she resided in the Cherokee nation continuously during the time you have known her? A Yes sir.
Q She has been single all the time you have known her? A Yes sir.

Mrs. Wright, this testimony will be filed in your mother's case, and if the Commission finds it necessary she will be required to appear before the Commission in person at some future time.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollmentof Annie Walker as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 8510.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 13th day of November, 1902.

B.C. Jones
Notary Public.

E.C.M. Cherokee 8510.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 14, 1907.

In the matter of the application for the enrollment of Annie Walker, as a citizen by intermarriage of the Cherokee Nation.

Annie Walker being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

Examination by the Commissioner:

Q What is your name? A Annie Walker.
Q Your age? A I can't tell you how old I am.
Q What is your postoffice address? A Zena, I. T.
Q You appear here today for the purpose of giving testimony relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Through whom do you claim your right? (No answer.)
Q What is your husband's name? A Steen Walker.
Q Was he a Cherokee by blood? A Yes, I suppose he was.
Q He was recognized as a citizen by blood, was he? A Yes sir.
Q Is he dead now? A Yes sir.
Q When did he die? A Well, I couldn't just tell you.
Q About how long ago? (No answer)
Q With reference to the war when did he die? A Two years after the war ended.
Q Do you know when you were married? A I was married to him for a year before the war.
Q Was you his first wife? A No, he had been married before.
Q Who was his first wife? A Well, I don't know.
Q Was she dead when he married you? A Yes, dead two or three years before I married him.
Q Was he your first husband? A Yes, the first man I was ever married to.
Q Then you were his second wife, and he was your first husband? A Yes, by marriage he was my first husband and the last.
Q From the time of your marriage until his death did you continuously reside together as husband and wife and live in the Cherokee nation? A Yes, we both lived here in the Cherokee Nation.
Q Was he born in the Cherokee nation? A I guess he must have been.
Q Since his death have you continuously resided in the Cherokee Nation? A Yes, I have been nowehere else.
Q You have not been married since his death? A No, I have not.
Q Are you a white woman? A Well, I don't know that I am a white woman.
Q What other blood did you have in your besides white? A I can't tell you what other blood. My parents told me I was part Cherokee.
Q You have never been recognized as a Cherokee by blood? A No, I aint.

Witness excused.

Sarah Wickett, being first duly sworn by Frances R. Lane, testified as follows:

By the Commissioner:
Q What is your name? A Sarah Wickett.
Q Your age? A About 43.
Q Your postoffice address? A Zena, I. T.
Q What relation are you to the applicant in this case?
A She is my mother.
Q What is the name of your father? A Steen Walker.
Q Has your mother always been regarded as a white woman or as a woman having some Cherokee blood? A She always taught me she was Cherokee, but she never did try to prove it.
Q She has never been enrolled as a Cherokee by blood? A No.
Q Do you remember when your father died? A No sir.
Q Since the death of your father has your mother ever remarried? A No sir.
Q Since you can remember has she continuously lived in the Cherokee nation? A Yes sir.
Q Your father was a recognized citizen by blood of the Cherokee nation, was he? A Yes sir.

Witness excused.

The applicant here presents in evidence an affidavit of one Joseph Fox, sworn to before T. S. Remson on the 22nd day of January 1907. This affidavit will be filed and made a part of the record in this case.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this February 14, 1907.

Charles W. Campbell
Notary Public.

No. 1892

Affidavit of
Joseph Fox
and
Jane Fox

Northern Dist
Indian Terr } Grove January 22nd 1907

Personally appeared before me a Notary Public in and for said Dist and Territy Joseph Hoy age 64 years whose Post Offi is Grove I.T. and Jane Hoyanum age 63 years Post Off Grove I.T. after being duly sworn declare as follows that they have been personally acquainted with Annie Walker during the civil war and ever since, we know her husband Stem Walker who died about 1867. And she has not remarried since his death she is about blind, hardly able to go any where

Joseph his X mark Hoy

Witness to mark
Joseph England
Jacob DuBois

Jane her X mark Hoyanum

The within affidavits subscribed and sworn to this 22nd day of January A.D. 1907

T. S. Kennedy
Notary Public
My Comm Expires May 2nd 1908

8510

E. C. M.

Cherokee 8510

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ANNIE WALKER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Zena, Indian Territory, May 21, 1902, application was received by the Commission to the Five Civilized Tribes for the enrollment of Annie Walker as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 27, 1902, and Muskogee, Indian Territory, February 14, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Annie Walker, a white woman, married about 1860 one Steen Walker, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. It is further shown that from the time of said marriage until the death of Steen Walker, which occurred about 1867, the said Steen Walker and Annie Walker resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Steen Walker the said Annie Walker has remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Annie Walker, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 20 1907

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 29 1902
[illegible] RETURN [illegible]

RESIDENCE: [illegible]

POST OFFICE: [illegible]

CHEROKEE NATION. CHEROKEE ROLL.

CARD NO. [illegible]

FIELD NO. [illegible]

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	1 [illegible]		58	[illegible]		1880	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]		[illegible]
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Cherokee
8510

Muskogee, Indian Territory, December 27, 1906.

Annie Walker,

Kena, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

GHL

Acting Commissioner.

Cherokee 8510.

Muskogee, Indian Territory, February 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for the enrollment of Annie Walker as a citizen by intermarriage of the Cherokee Nation.

[redacted] Respectfully,

Enc I-233 Commissioner.

RPI

Cherokee 8510.

Muskogee, Indian Territory, February 20, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision, enrolling Annie Walker as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

M. M. Washburn

Attorney for the Cherokee Nation.

Cherokee 8310.

Muskogee, Indian Territory, February 20, 1907.

Annie Walker,

Zena, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation, and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Enc I-234

RPI

Cher IW 210

Cher IW 210

Commissioner.

Appearances: Mr. Joseph Lynch of Lynch & Lynch, Los Angeles, for the petitioner.

Mr. Leo J. Cooper, Assistant Attorney General, for the Commission.

Petitioner is an owner of Lot 1 of Tract 8147, Los Angeles County, California, and has filed a petition for review of the Commission's order of December 1, 1960, denying petitioner's application for a permit to construct a single family residence on Lot 1 of Tract 8147.

Petitioner's property is a rectangular parcel of approximately 1.1 acres, located on the north side of Pacific Coast Highway, Malibu, California. The property is bordered on the east by a 40-foot wide private road, on the west by a 40-foot wide private road, on the south by the Pacific Ocean, and on the north by a steep hillside. The property is located approximately 1,000 feet west of the Los Angeles County line. The property is located approximately 1,000 feet west of the Los Angeles County line. The property is located approximately 1,000 feet west of the Los Angeles County line

Department of the Interior,
Commission to the Five Civilized Tribes,
Westville, I. T., July 18, 1900.

In the matter of the application of Jennie Scott et al for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridgeshe testifies as follows:

George Crittenden, Interpreter:

Q What is your name? A Jennie Scott.
Q How oldis she? A She don't know for certain, she is about forty-six, she thinks.
Q What is her post-office address? A Baptist.
Q Goingsnake District? A Yes sir.
Q Who does she apply for? A Herself and seven children, she has nine, but there are two of them married.
Q Is her husband dead? A He is living. He is out west working some place, she don't say where.

Examined by Hastings, attorney for Cherokee nation:

Q Is he living with her? A Yes, they live together.

Examined by Com'r Breckinridge:

Q Ask her is she wants to apply for her husband? A She don't know how that would be, she says that his their marriage license was worn out and destroyed; he is an adopted citizen.

(Applicant is advised that she can apply for him if she wants to, and says she will do so then.)

Q Does she apply as a Cherokee by blood? A Yes sir.
Q How long has she been married? A Something about twenty-five years.

Note: 1880 rollexaminedd, page 470, #1480, as Jane Scott,. 1896 roll examined, page 788, #1906, as Jane Scott, Goingsnake District.

Mr. Walkingstick, Official Interpreter, interprets:

Q Ask her how longshe has been living in this District? A Born and raised here.
Q She is still living here? A Yes sir.
Q Ask her to give the namesof her children unmarried and living with her? A She says this young lady here is her daughter, and has been married, but is not married now, and is living with her, and she wants to enroll her, she says she has some children of her own. Note: Applicant is advised thatthis child had better apply for herself.
Q Give the namesof her other children? A Henry Scott, aged twenty.

Note: 1880 roll examined, name not found.
1896 roll examined, page 788, #1908, Henry Scott. Dennis Scott, seventeen. (On 1896 roll, page 788, #1908, Denis Scott. Ella Scott, fourteen. On 1896 roll, page 788, #1910, as Ella Scott, Goingsnake District.) Susan Scott, twelve yearsold. (On 1896 roll, page 788, #1911, as Susan Scott, Goingsnake District) Thomas Scott, nine years old. (On 1896 roll, page 788, #1912, as Thomas Scott, Goingsnake District.) Rufus Scott, six yearsold. (On 1896 roll, page 788, #1913, Rufus Scott.) Margaret Scott, two years old.

Q Is that all? A That's all.
Q Has she got certificate of birth of that child? A Yes sir. (Produces certificate of birth.)
Q She wants to apply for her husband? A Yessir.
Q Where is her husband? A He is out west somewhere, out at work.
Q How long has he been gone? A Three weeks to-day.
Q When is he expected back? A In about three weeks more.
Q What's his name? A John Scott.

JUL 19 1900
DEPARTMENT OF THE INTERIOR
COMMISSIONER

Jennie Scott et al #2

[illegible] roll examined, page 470, #1479, [illegible] Scott, [illegible]; 1896 roll, page [illegible], #178, [illegible] Scott.

[illegible]: Say to her, [illegible], that she is duly enrolled in 1880 and 1896, and her children are duly enrolled in [illegible] [illegible] [illegible] presents property [illegible] and all of her children will be enrolled as Cherokees by blood.

Say that her husband is identified on the roll of 1880 and likewise on the roll of 1896, and he will be enrolled as a Cherokee by adoption.

M.D. Grace, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing [illegible] and complete transcript of his stenographic notes herein.

M D Grace

Subscribed and sworn to before me this 18th day of July 1900.

Clifton R. Breckinridge

Commissioner.

H.
Cher. 336.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 6, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JOHN SCOTT as a citizen by intermarriage of the Cherokee Nation.

JOHN SCOTT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A John Wesley Scott is my name. I sign it John W.
Q You are enrolled as John Scott, and you say your full name is John W. Scott? A Yes sir.
Q Do you desire to have it changed? A Yes sir.
Q You are a white man, are you? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A yes sir. My wife did for me.
Q What is the name of your wife? A Jennie.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you and she married? A Could not give the exact date. We have been living together twenty-seven or -eight years.
Q Have you and she lived together continuously since the date of your marriage? A Yes sir.
Q Are you living together now? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to her? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Did she make satisfactory proof, at the time of her application for your enrollment, of your marriage to her according to Cherokee law? A Yes sir.
Q Have you resided in the Cherokee Nation continuously since the date of your application for enrollment? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollmentof John Scott as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 336.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 9th day of October, 1902.

John Pearson

Notary Public.

C.F.B. Cherokee 336.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 3, 1907.

In the matter of the application for the enrollment of John Scott as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant appears in person.

JOHN SCOTT, being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A John Wesley Scott.
Q When you appeared here before you gave your name simply as John Scott. Do you want to be considered as John Scott, or as John Wesley Scott? A I think I gave it as John Wesley Scott.
Q You want it, then, to go down as John Wesley Scott? A Yes sir.
Q What is your age? I dont know just exactly my age, but I think I will be 54 the 29th of this month.
Q What is your post office address? A Chance.
Q Do you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation? A I do.
Q You have no Cherokee blood? A No sir.
Q Through whom do you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation? A My wife before she was married was Jennie Corntassell.
Q She was a recognized citizen of the Cherokee Nation at the time you married her, was she? A Yes sir.
Q Living in the Cherokee Nation? A Yes sir.
Q When were you married to her? A I was married March 14, 1875.
Q Did you comply with Cherokee law regulating marriage? A Yes sir, I got out a license from Ben Goss, Clerk of Going Snake District. I taken out a license and got 10 signers; the law required 10 signers at that time. Judge Johnson Whitmire married me.
Q Have you any documentary evidence with you to show your marriage? A No sir.
Q But it is a matter of record, is it? A I never have come across the record of it; I sent my marriage certificate back to the Clerk to have it recorded, but I have not been able to find whether it was recorded or not.
Q Since your marriage, where have you lived? A I have lived in Going Snake District, all except 6 years, when I lived in Tahlequah District.
Q You have continuously lived in the Cherokee Nation since your marriage? A Yes sir.
Q Your wife is living? A Yes sir.
Q And she has continuously lived with you as your wife since your marriage, has she? A Yes sir.

Cherokee 336 - 2.

The applicant, John W. Scott, is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No.1479. His wife, Jennie Scott, is included in the approved partial roll of citizens by blood of the Cherokee Nation, at No.1031.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and correct transcript of her stenographic notes thereof.

Sarah Waters

Subscribed and sworn to before me this 4th day of Jan. 1907.

John E. Tidwell
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., January 26, 1907.

.....

Supplemental proceedings in the matter of the application for the enrollment of John Scott as a citizen by intermarriage of the Cherokee Nation.

.....

Witnesses sworn by John E. Tidwell, a Notary Public.

.....

Watt Whitmire being first duly sworn, testifies as follows:

By the Commissioner:

Q What is your name? A Watt Whitmire.
Q What is your age? A 54.
Q What is your Post Office address? A Westville, I.T.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know a man in the Cherokee Nation by the name of John Scott? A Yes sir.
Q How long have you known him? A I have known him 25 years or longer--longer than that I guess, I don't remember the first time I did see him.
Q Was he living in the Cherokee Nation when you become acquainted with him? A Yes sir.
Q You have always known him as a white man, have you? A Yes sir.
Q Has he ever been married? A Yes sir.
Q What is the name of his wife? A Jennie Corntassel.
Q Did you know her prior to her marriage to John Scott? A Yes sir.
Q She has always been a recognized citizen by blood of the Cherokee Nation has she? A Yes sir.
Q She is living now is she? A Yes sir.
Q Do you know of your own personal knowledge when John Scott was married to his wife Jennie Corntassel? A What year it was--no sir.
Q Were you living in the immediate vicinity when they were married? A Yes sir, they were married at my father's house--my father was judge, he married them.
Q Were you at home? A Yes sir.
Q Did you witness the ceremony? A Yes sir.
Q Did you see the marriage license? A No sir.
Q Was your father an official of the Cherokee Nation at that time? A He was District Judge at that time.
Q Judge of what district? A Going Snake District.
Q You don't remember the year in which this marriage occurred? A No sir, I do not.
Q Since the marriage of John Scott to his wife Jennie Scott do you know of your own personal knowledge that he has been recognized as a citizen by intermarriage of the Cherokee Nation? A Yes sir he has been recognized as a citizen of the Cherokee Nation and voted in the elections.
Q He has enjoyed all the rights and privileges of a citizen of the Cherokee Nation? A Yes sir.
Q Did he ever hold any office in the Cherokee Nation? A Not that I know of.

Q But you say that you know of your own personal knowledge that he has voted at elections? A Yes sir.
Q Did you ever hear of his right as a citizen by intermarriage of the Cherokee Natisn questioned in any way? A No sir I never do.
Q Was Jennie Scott ever married before she married John Scott? A No sir, not as I know of.
Q Had he, to your knowledge, was never married before he married her? A Not to my knowledge.
Q Can you approximate the date of their marriage? A No sir, I cannot.
Q You have no idea as to when the marriage occurred? A I can't recollect the year or the month at all.
Q But he was married by your father who was judge at that time, the judge of Going Snake District? A Yes sir.
Q Married at your father's home and you were present and witnessed the ceremony? A Yes sir.
Q You know nothing about his license? A No sir, I never saw his license at all. All I know was that they was required to get a license --white men was required to get a license to marry a Cherokee at that time but I never saw his license.
Q And your father as judge of Going Snake District would have had no authority to have married these parties had not John Scott presented a license? A No sir that was the Cherokee law that wh when a white man married a Cherokee they was required to get license from the Clerk of the district.
Q You don't remember who was clerk of the district at that time do you? A Well since I have been studying the matter over I have a recollection a man by the name of Joe Stout was clerk at that time. I may be mistaken.
Q Do you know the years during which your father was judge of Going Snake District? A I don't remember exactly, but he was judge one time in 1876 but whether it was in 1876 and 1877 or 1875 and 1876 I can't tell. He was elected for two years but whether it was '75 and '76 or '76 and 77 I can't remember.
Q Was that the only period that your father ever served as judge of Going Snake District? A Yes sir.
Q And will you give his name again please? A Johnson Whitmire, they called him--his real name was Jonothan Whitmire.
Q Is your father, Johnson Whitmire living at this time? A No sir.
Q Do you know or have you known John Scott and Jennie Scott continuously since their marriage? A Yes sir.
Q Do you know their children? A Yes sir.
Q What is the name of their oldest child? A Lizzie, as I remember.
Q Do you know of yo r own personal knowledge that they have lived together as husband and wife continuously and lived together all these years in the Cherokee Nation? A Yes sir.

Witness excused.

John Scott being duly sworn by B. P. Rasmus, a Notary Public, testifies as follows:

By the Commissioner:

Q What is your name? A John Scott.
Q What is your age? A 54
Q What is your Post office address? A Chance, I.T.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q When were you married to your wife, Jennie Scott? A I was married March 14, 1875.
Q Who married you? A Johnson Whitmire.

Q Who issued your marriage license? A As well as I remember it was Ben Goss.
Q Are any of the people living who signed your petition? A I can't remember any of them. I remember one, a full blood by the name of Silas Holland, and what made me remember him he said he wouldn't sign it , he wouldn't sign a whiteman's petition.
Q Then you can't give the Commissioner the names or name of any one who signed your petition? A No sir.
Q But you secured the signatures did you and obtained the license before you married her? A Yes sir, they only required ten I went to work to get signers--we were having a stable-raising, and when I got ten there was another man said "I'll sigh it" and I had thirteen signers.
Q What is the name of your oldest child? A Lizzie.
Q When was Lizzie born? A April 15, 1876 as well as I can recollect.

The name of Lizzie Scott given by the applicant as his oldest child appears upon the Cherokee authenticated tribal roll of 1880 immediately following the names of John Scott and Jane Scott her age appearing thereon as four years.

Q Are there any other witnesses to your marriage living at this time? A Why not that I know of, there was one woman there but I never could remember who she was.The parties that went with us are dead.
Q Did John Blackfox see you married? A No sir.
Q Was he living in the immediate vicinity at the time you were married? A I don't know right where he was living--he had been living there in the neighborhood all the time and as well as I recollect he was at old Uncle Billy Harnages.

The applicant presents an affidavit signed by John Blackfox in which John Blackfox states that John Scott married Jennie Corntassel on March 14, 1875; This affidavit will be filed and made a part of the record in this case.

Q Why did you not bring this John Blackfox before the Commissioner in order that he might testify in your case? A Well, he couldn't well come and Mr. Dore said his affidavit would do just as well, Mr. Dore questioned him.
Q Is it possible for you to bring this man before the Commissioner to testify in your case? A Why I could have him summonsed I guess and he would come but I don't know that he would come without. One reason I have been to right smart expense and had to borrow the money to make this trip.

Witness Excused.

Mr. Whitmire recalled.

Q Mr. Whitmire, do you remember when John Scott's oldest child was born? A No sir.
Q But you could swear positively that it was some time , perhaps a year after his marriage? A I do not know.
Q You could swear positively that it was after he was married? A Yes sir.
Q But as to how long after his marriage you wouldn't be positive? A No sir.

Witness Excused.

--4

I, Cora E. Glendenning, a stenographer to the Commissioner to the Five Civilized Tribes, on oath state that I reported the proceedings in the above entitled cause on January 26, 1907, and that the foregoing is a true and complete transcript of my stenographic notes therein.

Cora E. Glendenning

Subscribed and sworn to before me this 31 day of January, 1907.

Chas E Webster
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
WESTVILLE, I. T., FEBRUARY 8, 1907.

In the matter of the application for the enrollment of
JOHN SCOTT as a citizen by intermarriage of the Cherokee Nation.

Benjamin F Goss. being first duly
sworn by William R. Bass a Notary
Public testifies as follows

What is your name? A. Benjamin
F Goss What is your age? A.
[illegible]
[illegible]
[illegible]

2

Charles B. Wilson, being first duly sworn, doth depose and say that the above and foregoing are the original questions propounded by him to, and the answers returned thereto by Benjamin F. Gore the above named witness.

Charles B. Wilson

Subscribed and sworn to before me this 11th day of February, 1907.

Charles W. Tracy
Notary Public.

[illegible] Tiggs [illegible] to [illegible] your
[illegible]? E. I see together
[illegible] end of [illegible]

Lizzie Scott.	Born April 15th 1876
Sarah Scott.	Born Sept. 7th 1878
Henry Scott.	Born Jan 27th 1881.
Dennis Scott.	Born aug 3rd 1883.
Ella Scott.	Born May 5th 1886.
Susie Scott.	Born Jan 15th 1888
Thomas Scott.	Born Dec 2nd 1892
Rufus Scott.	Born Dec 16th 1894
Maggie Scott.	Born Dec 25th 1897.
Delmie Scott.	Born Feb 26th 1901.

Charles B. Wilson, being first duly sworn, doth depose and say that the above and foregoing are the original questions propounded by him to, and the answers returned thereto by John W Scott the above named witness.

Charles B Wilson

Subscribed and sworn to before me this 11th day of February, 1907.

Caldwell Chappell
Notary Public.

CERTIFIED COPY.

P. J. DORE,

GENERAL MERCHANDISE.

Westville, Ind. Ter. Jany. 25/1907.

United States of America)
) ss
Northern Dept. Ind. Ter.)

John Black fox being first duly sworn Depose and says:

He knows John Scott Married Jennie Corntossel on March 14th 1875.

Witness to mark,

Sam Foreman,

J. A. Bryant

(Signed) John his X mark Black fox

Subscribed and sworn to before me this 25th Day of Jany 1907.

(Signed) P. J. Dore,

My Com exp. June 4, 1908. Notary Public.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the aboce and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 14th day of February, 1907.

Notary Public.

E C M Cherokee 336.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOHN SCOTT as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Westville, Indian Territory, July 18, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of John Scott as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 6, 1902, Muskogee, Indian Territory, January 3, 1907 and January 26, 1907 and at Westville, Indian Territory, February, 8, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John Scott, a white man, was married in accordance with Cherokee law March 14, 1875 to his wife, Jennie Scott, nee Corntassell, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District opposite No.1480, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.1031. It is further shown that from the time of said marriage the said John Scott and Jennie Scott resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John Scott, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 20 1907.

Cherokee
336.

Muskogee, Indian Territory, February 20, 1907.

John Scott,

Baptist, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens by intermarriage and approved by the Secretary of the Interior.

Respectfully,

Encl.HJ-39.
HJC

Commissioner.

Cherokee
336.

Muskogee, Indian Territory, February 20, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John Scott as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee
336.

Muskogee, Indian Territory, February 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1907, granting the application for the enrollment of John Scott, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-40.

HJC

Commissioner.

Cher I W 211

Cher IW 211

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

AMANDA ALBERTY

as a citizen by intermarriage of the Cherokee Nation.

Cherokee 573.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
STILWELL, I.T., JULY 24, 1907.

In the matter of the application of Andrew J. Alberty et als., for enrollment as Cherokee citizens, said Alberty being sworn by Commissioner Needles, testified as follows:

Q What is your name? A Andrew J. Alberty.
Q Your age? A 55.
Q Your postoffice? A Stilwell.
Q What district do you reside? A Goingsnake.
Q How long have you lived there? A Born and rised there.
Q Lived there always ever since? A yes.
Q Are you a Cherokee? A yes.
Q Make application as a Cherokee by blood? A Yes.
Q What is the name of your father? A Johnson Alberty.
Q Is he living? A No sir.
Q Did he die before '80 ? A Yes, '64.
Q What is the name of your mother? A Katie .
Q Is she living? A No sir.
Q Did she die before '80? A ~~yes~~. No sir, she died last July.
Applicant, Andrew J. Albert, on '60 roll, page 403, number 4 as Andy Alberty.
On '96 roll, page 719, number 7 as Andrew Alberty.
Q What degree of blood do you claim? A I expect I am about 1/4.
Q Are you married? A yes.
Q Was your wife a citizen by blood? A No sir,, white woman.
Q When were you married? A '78.
Q What is your wife,s name? A Amanda Alberty.
On '80 roll, page 403, number 3 as Mandy.
On '96 roll, page 817, number 1, as Amanda B. Alberty.
Q Is your wife living? A Yes.
Q What is the name of the eldest child at home under 21 years of age? A Thedocia, 18 years old.
On '96 roll, page 719, number 9 as Theodocia.
Q What is the name of the next one? A William L., 16 years old.
On '96 roll, page 719, number 10 as William P.
Q Next one? A Ada, 14 years old.
On '96 roll, page 719, number 11 as Ada May.
Q Next one? A Bishop M., 12 years old.
On '96 roll, page 719, number 12.
Q Next one? A Samuel J. 10 years old, page 719, number 13.
Q Are these children all alive and living with you? A Yes.

The name of Andrew J. Alberty being found upon the authenticated roll of '80 as well as upon the census roll of '96, and Amanda, his wife, being also found upon the authenticated roll of '80 and on the census roll of '96 as an intermarried citizen, she, Amanda, will be admitted as an intermarried citizen. Andrew J. Alberty and his children, as enumerated above, and said children's name being found upon the census rolls of '96, and sufficient proof being made as to their residence, they, as well as their father, are ordered enrolled as Cherokee citizens by blood, and their names will be entered upon the roll now being made by this Commission.

[illegible]

573

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED
NOV 18 1902

I, [illegible] Notary Public, do hereby certify that the foregoing is a true and complete transcript of the stenographic notes taken upon the trial of the above entitled cause, and that the foregoing subscribed and sworn to before me this 1st day of November, 1902.

[illegible]

Notary Public.

JOR.
Cher. 573.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 21, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for th enrollment of AMANDA ALBERTY as a citizen by intermarriage of the Cherokee Nation.

AMANDA ALBERTY, being first duly sworn, and being examined, testified as follows;

BY COMMISSION: What is your name? A Amanda Alberty.
Q How old are you? A Forty.
Q What is your post office address? A Stilwell.
Q Youare a white woman, are you? A Yes sir.
Q Has application been made to this Commission for your enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q What is the name of your husband? A Andrew Jackson Alberty.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
✓ Q When were you and he married? A In 1870.
Q Do you claim your right to enrollment by reason of your marriage to him? A Yes sir.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q Were you ever married before you married him? A No sir.
Q Was he ever married before he marriedyou? A Yes sir.
Q What was the name of his first wife? A Elizabeth Folsom.
Q Is she living? A No sir.
Q Was she living at the time you m dyour present husband were married? A No sir, she was dead.
Q Was that the only time your husband was ever married before he married you? A Yes sir.
Q He is your first husband and your are his second wife? A Yes sir
Q Have you and he lived together continuously since your marriage?
A Yes sir.
Q Were you living together on the 1st day of September, 1902?
A Yes sir.
Q You have never been separated? A No sir.
Q Have you resided in the Cherokee Nation continuously since you and he married? A Yes sir.
Q Has he also? A Yes sir.
Q You have how minor children that application was made for?
A Six. Seven with the one that is dead.
Q How many minor children had you--under twenty-one years of age--and unmarried, at the time you made application for enrollment? Application was made for the enrollment of five children, was it no
A Yes sir.
Q One of those died since? A Yes sir.
Q You have just executed an affidavit as to one of those children, Adam, A Yes sir.
Q Are those other fur children living? A Yes sir.

This testimony will be filed with and made a part of the record in the matterof the application for the enrollmentof Amanda Alberty as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 573.

Char. 572----2.

Wm. Hutchinson, being first duly sworn, [illegible] to the Commission in the Five Civilized [illegible] the shorthand proceedings in this case, and [illegible] is a true and complete transcript of the stenographic notes taken.

Wm Hutchinson

Subscribed and sworn to before me this 8th day of November, 1902.

B O Jones
Notary Public.

THE STIRWELL
DRUG COMPANY

STIRWELL, T. T. Dec. 28th 1906.

Wm O Beall Esq.
Sir:
This certified that Mrs. Amanda Alberty, whom you have summoned to appear before the Commissioner on Jan. 3rd 07, will not be physically able to make the trip by that time.

She has been very sick for the last 3 or 4 weeks but is better now. She will possibly be able to make the trip in Spring. If she could make her proof at home it would be much better for her. Can she do so? If so advise her.

Yours etc.
T. H. Williams M. D.
Her physician.

The undersigned upon oath states that she made the above copy and that same is a true and correct copy of the original letter on file in this office.

Myrtle Hill

Subscribed and sworn to before me this the 16th day of February, 1907.

John E. Tidwell
Notary Public.

I. Andrew J. Alberty says that I was married in Ind. Ter. Feb. 16th, 1870 and have lived as man and wife ever since and have lived in the Cherokee Nation since 1872.

Witness my hand this 11th day of Feb. 1907.

(Signed) Andrew J. Alberty.

Sworn to and subscribed before me this 11th day of Feb 1907.

(Signed) Hugh M. Adair
Notary Public.

(SEAL)

My Commission expires Nov. 21st, 1908.
THIRD TERM.

The undersigned upon oath states that she made the above copy and that same is a true and correct copy of the original affidavit on file in this office.

Myrtle Hill

Subscribed and sworn to before me this the 16th day of February, 1907.

John E. Tidwell
Notary Public.

Personally appeared this 11th day of Feb. 1907 Benj. F. Paden of near Stilwell I. T. Northern District. Who deposeth and says. That I am 70 years of age That I live 3 miles S. W. of Stilwell Ind Ter. I have been acquainted Andrew J. Alberty and wife Amanda Alberty for about 35 years and that they have lived together as man and wife ever since I knew them and has always been recognized by the Cherokee Laws as man and wife and that their marriage has been considered as legal.

In witness whereof I have set my hand this 11th day of Feb. 1907.

Signed Benj. F. Paden.

Sworn to and subscribed before me this 11th day of Feb. 1907.

(Signed) Hugh M. Adair
Notary Public

(SEAL)

My Commission expires Nov. 21st, 1908.
THIRD TERM.

The undersigned upon oath states that she made the above copy and that same is a true and correct copy of the original affidavit on file in this office.

Myrtle Hill

Subscribed and sworn to before me this the 16th day of February, 1907.

John E. Tidwell
Notary Public.

Personally appeared this 11th day of Feb. 1907 John B. Paden of Stilwell Ind. Ter. Northern District, who says. That I am about 45 years of age. That I live in Stilwell, Ind. Ter. That I have been acquainted with Andrew J. Alberty and wife Amanda Alberty for about 32 years and that they were married in the Ind. Ter. That they lived here ever since and have lived together as man and wife ever since I knew them and has always been recognized by all as well as Cherokee laws. Tha their marriage has been considered legal.

(Signed) John B. Paden.

Sworn to and subscribed before me this 11th day of Feb. 1907.

(Signed) Hugh M. Adair
(SEAL) And Notary Public.

My Commission expires Nov. 21st, 1908.
THIRD TERM.

The undersigned upon oath states that she made the above copy and that same is a true and correct copy of the original affidavit on file in this office.

Myrtle Hill

Subscribed and sworn to before me this the 16th day of February, 1907.

John E. Tidwell
Notary Public.

F. R. Cherokee 573.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda Alberty as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Stilwell, Indian Territory, July 24, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Amanda Alberty as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 21, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Amanda Alberty, is a white woman, who claims her right to enrollment as a citizen by intermarriage of the Cherokee Nation, by virtue of her marriage in the year 1870 to one Andrew J. Alberty, who is alleged to have been a recognized citizen by blood of the Cherokee Nation at the time of said marriage, and who is identified upon the Cherokee authenticated tribal roll of 1880, Going Snake District, Page 403, No. 4, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 1682.

It is further shown that since said marriage, the said Andrew J. Alberty and Amanda Alberty resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902.

It further appears from the records in the possession of this office that John Alberty, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, Page 403, No. 6, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 22570, is the son of said Andrew J. Alberty and Amanda Alberty, the applicant herein, and that the said John Alberty was born in the year 1873. An examination of the Cherokee authenticated tribal roll of 1880 shows the said John Alberty to have been seven years of age at the date of the making of said roll.

The applicant herein is identified upon the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

In view of the foregoing, it is considered that the applicant, Amanda Alberty, was married in accordance with Cherokee law, to a citizen by blood of the Cherokee Nation, prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Amanda Alberty, is entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 2 1907

Cherokee
573.

Muskogee, Indian Territory, February 21, 1907.

Amanda Alberty,

Stilwell, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens by intermarriage of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.HJ-41.
HJC

Commissioner.

Cherokee
573.

Muskogee, Indian Territory, February 21, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Amanda Alberty as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hardaway

Attorney for Cherokee Nation.

Cherokee
573.

Muskogee, Indian Territory, February 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Amanda Alberty as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-42.
HJC

Commissioner.

Cher IW 212

Cher IW 212

636
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 2 1900

Statement.

(Continued.)

Q. Where was your last place of residence before you came to the Nation? A. Texas.

Q. What was your occupation while living in Texas? A. Farming.

Q. How long have you been a citizen of the Choctaw Nation? A. Since the year 1880.

Q. Have you been a citizen of any other Nation than the Choctaw Nation? A. No, sir.

Q. Have you been a citizen of the United States? A. Yes, sir.

Q. Have you been a citizen of any other country than the United States? A. No, sir.

Q. Have you been a citizen of the Choctaw Nation since the year 1880? A. Yes, sir.

Q. Have you been a citizen of any other Nation than the Choctaw Nation since the year 1880? A. No, sir.

Q. Have you been a citizen of the United States since the year 1880? A. Yes, sir.

Q. Have you been a citizen of any other country than the United States since the year 1880? A. No, sir.

Q. Are you married or single? A. Married.

Q. Your wife's name? A. Lucy.

Q. Her maiden name? A. Lucy Ann Bryant.

Q. Her age? A. Forty-two years.

Q. Her place of residence? A. Choctaw Nation.

Q. Her Indian blood? A. Three-fourths.

Q. Her tribe? A. Choctaw.

Q. Her citizenship? A. Choctaw.

Q. Her father's name? A. Thomas Bryant.

Q. Her father's place of residence? A. Choctaw Nation.

Q. Her father's Indian blood? A. Three-fourths.

Q. Her father's tribe? A. Choctaw.

Q. Her father's citizenship? A. Choctaw.

Q. Her mother's name? A. Nancy Bryant.

Q. Her mother's place of residence? A. Choctaw Nation.

Q. Her mother's Indian blood? A. Three-fourths.

Q. Her mother's tribe? A. Choctaw.

Q. Her mother's citizenship? A. Choctaw.

Q. Have your children been born since September 1st, 1890? A. Yes, sir.

Q. How many children have your been born to you since September 1st, 1890? A. Four.

Q. Give their names, ages, sex, and whether living or dead? A. Ida, age 8 years, female, living; Ellen, age 6 years, female, living; Ellis, age 4 years, male, living; Ellen, age 1 year, female, living.

Q. Are your children living with you? A. Yes, sir.

Q. Are your children living with their father and mother? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you? A. Yes, sir.

Q. Are your children living with their father and mother, and are they his children, and are they your children, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother, and are they living with you, and are they living with their father and mother

Department of the Interior,
Commission to the Five Civilized Tribes,
Stillwell, I.T., July 26, 1900.

In the matter of the application of Esther Roberts for the enrollment of herself and child as Cherokees by blood, and her husband by intermarriage; being duly sworn and examined by Commissioner Breckenridge, she testified as follows:

Q What is your name? A EstherSRoberts.
Q How old are you? A 56.
Q What is your post office? A Dutch Mills, Ark.
Q What district do you live in? A Going Snake.
Q How long have you lived in that district? A I have been living there all my life, 56 years.
Q For whom do you apply for enrollment? A For myself and one child and my husband, he is sick and can't be here.
Q Do you apply as a Cherokee by blood? A Yes, sir.
Q Is your husband a Cherokee by blood? A No, sir.
Q Is your husband much sick? A Yes, sir, he has been awful bad off, but he is getting a little better.
Q How long has he been sick? A It will soon be a month.
Q Are you on the roll of 1880? A Yes, sir.
Q Under what name were you enrolled in 1880, were you Roberts then? A Yes, sir, I guess so, we have been married 34 years.
(On 1880 roll, page 466, No. 1403, Ester Roberts, Going Snake dist. On 1896 roll, page 780, No. 1682, Esther S. Roberts, Going Snake dist.)
Q Give me your husband's full name? A Solon H. Roberts.
Q How old is he? A He is 57 to-day.
Q When were you married? A In 1866.
Q Is he on the roll of 1880? A Yes, sir.
(On 1880 roll, page 466, No. 1402, S. H. Roberts, Going Snake dist. On 1896 roll, page 627, No. 159, Solon H. Roberts, Going Snake dist.)
Q Are you andhe living together at this time? A Yes, sir.
Q He has been making his home right along in the Nation? A Yes, sir.
Q Is this child under age? A Yes, sir.
Q What is the name of the child? A Martha Ellen Roberts.
Q How old is the child? A 16.
(On 1896 roll, page 780, No. 1684, Martha E. Roberts, Going Snake district.)

Mrs. Roberts, you and your husband are both duly identified on the roll of 1880 and the roll, of 1896, and your child is identified on the roll of 1896, and you and your child will be enrolled as a Cherokee by blood and your husband as a Cherokee by intermarriage.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 1st day of August, 1900.

Clifton R. Breckenridge
Commissioner.

JOR.
Cher. 686.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 8, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of SOLON H. ROBERTS as a citizen by intermarriage of the Cherokee Nation.

SOLON H. ROBERTS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Solon Harrison Roberts.
Q How old are you? A I am in my fifty-ninth year.
Q What is your post office address? A Dutch Mills, Arkansas.
Q You are a white man, are you? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What is the name of your wife? A Hester S. Roberts.
Q She is your present wife? A Yes sir.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you and she married? A In 1866, February 4th.
Q Were you married at that time under Cherokeelaw? A No sir, under the state laws of Arkansas.
Q When did you come to the Cherokee Nation? In 1868, February.
" Were you remarried according to the laws of the Cherokee Nation?
A I applied for a license and got it and was married by Judge Adair of Goingsnake District.
Q Have you filed your Cherokee marriage license with the Commission
A No sir.
Q Did you exhibit it to the Commission? A No sir, they said it was not necessary. My wife applied for me. I was sick with rheumatism.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q Have you and your wife lived together continuously since the date of your marriage? A Yes sir.
Q Were you living together on the 1st day of September, 1902?
A Yes sir.
Q Have you resided in the Cherokee Nation continuously since 1868?
A Yes sir.
Q Has your wife also? A Yes sir.
Q Were you ever married before you married your present wife?
A No sir.
Q Was she ever married before she married you? A No sir.
Q You are her first husband and she is your first wife? A Yes sir
Q You made application for the enrollmentof how many children? One
Q Is that child living now? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Solon H. Roberts as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 686.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 14th day of October, 1902.

John Messon
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, IND. TER.
JAN.3, 1907

CHEROKEE 686.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF SOLON H. ROBERTS AS A CITIZEN BY INTERMARRIAGE OF THE CHEROKEE NATION.

SOLON H. ROBERTS BEING FIRST DULY SWORN BY B.P.RASMUS A NOTARY PUBLIC TESTIFIED AS FOLLOWS:

EXAMINATION BY THE COMMISSIONER:

Q What is your name. A Solon H. Roberts.
Q What is your age. A Sixty three in my sixty fourth year
Q What is your post office address? A Dutch Mills, Washington County, Arkansas.
Q Are you an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation. A Yes sir
Q You have no Cherokee blood. A No sir.
Q Youronly claim to right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the nation is it. A Yes sir.
Q What is the name of the citizen thru whom you claim the right to enrollment. A Her maiden name was Esther S. Bigsby.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her. A She was a refugee from the war to Fayetteville Arkansas at the latter end of the war; I got acquainted with her and married her under the laws of Arkansas February 4th, '66, February, I dont remember the day of the month but it was February '68 we removed to the Cherokee Nation; in May of that year I applied to the clerk with a petition of the citizens of the neighborhood for a license which was issued, and I disremember the date of the marriage; J. T. Adair, and John Thornton; John Thomas Adair, Supremem Judge of the Nation at that time performed the ceremony; I got the certificate of marriage and turned it over to the clerk.
Q What district was that license issued from. A It was issued in Goingsnake District.
Q And you were married in Goingsnake District . A Yes sir
Q Were you ever married prior to your marriage to her?
A No sir.
Q Was she ever married prior to her marriage to you.
A No sir.
Q Is your wife living at this time. A Yes, when I left home .
Q Have you and she continuously lived in the Cherokee Nation as man and wife since your marriage. A Yes sir.

The applicant Solon H. Roberts is identified on the Cherokee authenticated tribal roll of 1880 Goingsnake District, No. 1402; his wife Esther S. Roberts is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 22646.

Q Have you your marriage license and certificate with you
A No sir I haven't them with me; they were lost.
Q You have no documentary evidence of your marriage.
A No sir I have not.
Q Are there any persons living who were witnesses to your marriage? A Mrs. Penelope Blair's wife is living; also Mrs Mamie Bigbee is living and Miss Jennie Bigbee my sister-in-law; those three parties were present when I was married if I'm not mistaken; I don't think I am.
Q They are all living. A Yes sir.

oeOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commissioner to the Five Civilized Tribes she reported the above and foregoing proceedings and that this is a correct transcript of her stenographic notes.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of January 1907

B. P. Raemin
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
STILWELL, I. T., FEBRUARY 9, 1907.

In the matter of the application for the enrollment of SOLON ROBERTS as a citizen by intermarriage of the Cherokee Nation.

name?

came here in 1837 from Tennessee

[illegible] Eaton & Bigsby Do you know in what year they were married? & [illegible] they were married in 1808 or [illegible] They [illegible] & [illegible] Germany [illegible]

Charles B. Wilson, being first duly sworn, doth depose and say that the above and foregoing are the original questions propounded by him to, and the answers returned thereto by Penelope Adair the above named witness.

Charles B. Wilson

Subscribed and sworn to before me this 11th day of February, 1907.

Charles W. Pappoon
Notary Public.

[illegible]

Solemnized in accordance with
the law and under a license
issued by the Church Wardens:
O. I. Thomas [illegible]

Charles B. Wilson, being first duly sworn, doth depose and say that the above and foregoing are the original questions propounded by him to, and the answers returned thereto by Nancy Rigby the above named witness.

Charles B. Wilson

Subscribed and sworn to before me this 11th day of February, 1907.

Cassius C. Chappell
Notary Public.

CERTIFIED COPY.

Affidavit of Penelope Adair, endorsed by
Nannie J. Bigby, nee Williams.

Jan. 30, 1907

I Penelope Adair make the following Statement:

That I was preasant when Solon H. Roberts and his wife Ester S. Roberts, nee Bigby was married in the year of 1868 in my House in Going Snake Dist. Cherokee Nation by my Husband J. T. Adair who was at that time Supream Judge of the Cherokee Nation.

(Signed) Penelope Adair

Subscribed and sworn befor me this 31 day of Jan 1907.

(SEAL) (Signed) Hugh M. Adair,
Notary Public.

My term expires Nov.21st, 1908
THIRD TERM.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

[illegible]
Stenographer.

Subscribed and sworn to before me this 14th day of February, 1907.

Charles W. Campbell
Notary Public

E C M Cherokee 686.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SOLON H. ROBERTS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Stillwell, Indian Territory, July 26, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Solon H. Roberts as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 8, 1902, Muskogee, Indian Territory, January 3, 1907 and at Stillwell, Indian Territory, February 9, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Solon H. Roberts, a white man, was married in accordance with Cherokee law in 1868 to one Esther A. Roberts, nee Bigby, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No.1403 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.22646. It is further shown that from the time of said marriage the said Solon H. Roberts and Esther A. Roberts resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Solon H. Roberts, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this _____.

Cherokee 684

COPY

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of Selon H. Roberts as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGNED

Commissioner.

Encl.A-16

RA

Cherokee 686

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision, enrolling Solon H. Roberts as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hardaway

Attorney for the Cherokee Nation.

Cherokee 686

COPY

Muskogee, Indian Territory, February 23, 1907.

Selen H. Roberts,

Dutch Mills, Arkansas.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.A-17
RA

Cher IW 213

Cher IW 213

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

JERRY H. VESTAL

As a citizen by intermarriage of the Cherokee Nation

Cherokee 1652

1652

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 27 1900

ACTING CHAIRMAN.

1652 B.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 20 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(62)

Date AUG 20 1900 1900.

Name Jerry H. Vestal Willow Valley I.T.

District (Canadian) Year 1880 Page 52 No. 1426

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

on 1880 roll as J. H. Vestal

COMMISSION TO THE F[illegible]
FILED
NOV 8 1902

Cher-1632.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 29, 1902.

In the matter of the application of Jerry M. Vestal for enrollment as a citizen by intermarriage of the Cherokee nation.

James J. Severe, called as a witness, and being first duly sworn and examined by the Commission, testified as follows:

Q What is your name? A James J. Severe.
Q What is your postoffice address? A Webbers Falls, I.T.
Q How old are you? A Fifty years.
Q Are you acquainted with Jerry M. Vestal? A Yes sir.
Q You appear for the purpose of giving testimony in the matter of the application of Jerry M. Vestal for enrollment as an intermarried citizen?
A Yes, I have a certificate here.
Q Why does he not appear in person? A He is not able to get here.
Q He is physically unable to come? A Yes, here is a certificate from the doctor.

Applicant presents to the Commission a certificate from H. B. Burns, M.D., certifying that the applicant John M. Vestal is physically unable to come to Muskogee at this time, which certificate is dated October 27, 1902, and is sworn to before Justice of the Peace Buchannan the same day. The same is filed herewith and the testimony of this witness will be taken and submitted before the Commission.

Q Are you a citizen of the Cherokee nation? A Yes sir.
Q How long have you known Mr. Vestal? A Ever since January, 1873.
Q All the time since 1873? Yes sir.
Q Where has Mr. Vestal lived during that time, since you have known him?
A In Canadian District, near Webbers Falls.
Q He is a white man, is he? A Yes sir.
Q And an applicant for enrollment as a citizen of the Cherokee nation, by intermarriage? A Yes sir.
Q What is his wife's name? A Eliza Jane I believe.
Q Was she a Cherokee citizen by blood? A Yes sir.
Q Is she living or dead? A She is dead.
Q Do you know about how long she has been dead? A She died along about the first day of July, 1881, I think. I don't know just the day of the month.
Q Mr. Vestal and she were married prior to the making of the 1880 roll?
A Yes, sometime. I don't know just when.
Q And he appears on the 1880 roll with her as her husband? A Yes, they was both enrolled.
Q Did Mr. Vestal and his wife live together from the time you knew them in 1873 up to the date of her death, as husband and wife? A Yes sir.
Q Never were separated? A No sir.
Q Since her death has Mr. Vestal married again? A No, he has never been married.
Q You have lived right in the neighborhood with him all the time and know that to be a fact? A Yes, I can give you my reasons more fully which would explain to you if you like.
Q Well, now, you say Mr. Vestal has never married since the death of his Cherokee wife in 1881? A Yes.
Q He was still a widower and a single man on the first day of September, 1902, was he? A Yes, and is yet. I was at his house yesterday.
Q Has he lived in the Cherokee nation all the time since 1880 up to the present time? A Yes sir.
Q Never has lived out of the Cherokee nation since then? A No, if you

[illegible]

[illegible]

[illegible]

BURNS & BAILEY,
SPECIALISTS ON DRUG AND LIQUOR HABITS.

H. B. BURNS, M. D.
J. I. BAILEY, M. D.

WEBBERS FALLS, I. T. Oct 27 1902

To whom it May Concern—

This is to certify that I have examined Jerry H. Vestal and know that he is unable to go to Muscogee or even leave his home.

H. B. Burns M.D.

Subscribed and sworn to before me this 27th day of October 1902

J. C. Buchanan
Notary Public

F. R. Cherokee 1652.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 15, 1907.

In the matter of the application for the enrollment of Jerry H. Vestol as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Tom Owen, Attorney for applicant.
Cherokee Nation represented by W. W. Hastings, Attorney.

James Neale being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A James Neale.
Q What is your age? A 75 in February.
Q What is your post office address?
A McLain, Indian Territory.
Q In whose behalf do you appear here?
A In behalf of Jerry Vestol.
Q Jerry Vestol claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A That's the way I understand it.
Q James H. Vestol is not living at this time?
A No sir.
Q When did he die?
A I don't remember the date.
Q Do you know about when it was?
A About a year ago.
Q His claim to the right to enrollment was by virtue of his marriage to a citizen of the Cherokee Nation?
A Yes sir.
Q Do you know the name of the citizen through whom he claimed such right?
A I do.
Q Through whom?
A Eliza J. Vestal after she was married; Neale was her maiden name.
Q When was Jerry H. Vestol married to Eliza J. Neale?
A To the best of my knowledge, about 1856 or 1857.
Q Where were they married? A In Alabama.
Q When did they remove to the Cherokee nation?
A I am not certain about that. I was not here then.
Q Was it before the war or after the war?
A Before the war.
Q Do you know whether or not Jerry H. Vestol and Eliza J. Neale upon their removal to the Cherokee Nation, were married in accordance to the laws of the Cherokee Nation?
A I don't know anything about that.
Q Do you know when Eliza J. Neale was admitted to citizenship in the Cherokee Nation?
A I can't swear to that either.
Q Is Eliza J. Neale who became Mrs. J. H. Vestol, living?
A She is not.

Q When did she die?
A About 1881; to the best of my recollection in July.
Q Did Jerry H. Vestol marry after that time?
A Not that I have any knowledge of.
Q Was Jerry H. Vestol married previous to his marriage to Eliza J. Neale?
A Not that I have any knowledge of.
Q Was Eliza J. Neale married previous to her marriage to Jerry H. Vestol?
A No sir.
Q They removed to the Cherokee Nation just before the war?
A Before the war; it might have been 3 or 4 years; I have no definite idea about that.
Q Did Jerry H. Vestol and Eliza J. Vestol reside together as husband and wife from the time of their removal to the Cherokee Nation until the time of her death in 1881?
A Yes sir.
Q They lived continuously in the Cherokee Nation all that time?
A To the best of my knowledge they moved out once.
Q When was that?
A I can't be positive about that because I was not here.
Q When did you come to this country?
A In '53 the first time and in 1874 the second time.
Q Do you know whether or not from 1874 until her death, they lived continuously in the Cherokee Nation?
A Yes sir.
Q And Jerry H. Vestol continued to reside in the Cherokee Nation until his death?
A He did.
Q Of your own knowledge, you have no information whatever as to whether or not they were married in accordance with Cherokee law when they came to the Cherokee country?
A I have not.
Q Was it understood that they had been married in accordance with such law?
A I didn't understand it that way.
Q It was your understanding then that they had not been married according to the Cherokee law?
A I just heard Vestol say that there was something he hadn't complied with and other parties said so too, but what that was, I don't know.
Q Was Jerry H. Vestol recognized as an intermarried citizen of the Nation; that is, was he permitted to vote?
A Yes sir.
Q When was the first time you remember he was permitted to vote?
A I have no definite recollection about that. I don't recollect about the first election that was held after I got back.

BY MR. HASTINGS.

Q Did you say that you heard Mr. Vestol say there was some part of the Cherokee law he didn't comply with?
A I heard him talking about a certain certificate and I understood from his conversation that he didn't have it.
Q Did you understand from him though that he had procured a license and married in accordance with Cherokee law after he came to this country?

A No, I never heard him say as to that.
Q What you want to testify to, then, is that since you came to the Cherokee Nation in '74, you know that he and his wife were living together, recognized as husband and wife, and continued to live together until her death,- until about July, '81?
A Yes, I can testify positively as to that.
Q Did you live back in Alabama?
A Born and raised in Alabama. I left there in 1853.
Q Where did you go?
A I came out to the Cherokee Nation and stayed about 10 months and then went to California.
Q Then you were in California when he married?
A Yes.

BY MR. OWEN.

Q What relation are you to Mrs. Vestol?
A Full brother.
Q Was she older or younger than you?
A Six years younger than me.
Q Where did you live when you came to the Cherokee Nation in 1874?
A I lived about one or two months at Webber's Falls with Vestol; then I moved out on the prairie.
Q Where did Vestol and your sister live?
A Webber's Falls bottoms; about 8 or 10 miles.
Q Did you ever hear Vestol say whether or not he was married after he came here to the Cherokee Nation?
A I never heard him say he was.
Q Did you ever hear him say he was not?
A To the best of my knowledge, I never heard him say he was or was not.
Q What certificate was it he was talking about?
A The marriage certificate as I understand it.
Q He had failed to get a marriage certificate?
A Yes sir.
Q A certificate of what marriage?
A To Cherokees as I understand it; I heard that white persons marrying Cherokees outside of the Cherokee Nation,- the law required them to marry again after they got in the Cherokee Nation; and I never heard him say that he did.
Q What certificate was it he did not have?
A Pertaining, I suppose, to a marriage certificate; that is the way I understood it.
Q Were you readmitted after you came back in '74?
A Yes sir.
Q When?
A Between '75 and '80.
Q Do you know whether your sister, Mrs. Vestol, was re-admitted?
A To the best of my knowledge she was.
Q Do you know whether she was admitted before or after the war?

A After the war.

John Lane being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A John Lane.
Q What is your age? A 54.
Q What is your post office address?
A Webber's Falls.
Q You appear here for the purpose of giving testimony relative to the right to enrollment of Jerry H. Vestol as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q When did you first know Jerry H. Vestol?
A About '73.
Q Was he married at that time?
A Yes sir; supposed to be.
Q Do you know to whom he was married?
A To one of Mr. Neale's sisters.
Q Do you know whether or not his wife was recognized as a citizen by blood of the Cherokee Nation at the time you first knew her?
A Yes sir; claimed to be.
Q Do you know whether or not Jerry H. Vestol and his wife were ever married in accordance with the Cherokee law; that is, under a license of the Cherokee Nation?
A No sir; I don't.
Q When you first knew them in 1873, was it the understanding that they had been married in accordance with such license?
A Well, I heard Mr. Vestol say they had been married in the Cherokee Nation.
Q Did you hear him say when? A No sir; I didn't.
Q Or where?
A He said it was at Chief John Ross' house up above Tahlequah.
Q Was that when you first knew him in 1873 that you heard him make those statements?
A No sir; it was along after that; about '74 or '75. I wasn't well acquainted with him when he first came in there.
Q Is Jerry H. Vestol living at this time?
A No sir.
Q When did he die?
A A little over a year ago.
Q When did his wife die?
A She has been dead about 24 or 25 years.
Q From the time you first knew Jerry H. Vestol and his wife in the Cherokee Nation in 1873, did they reside together as husband and wife and live continuously in the Cherokee Nation up until her death?
A Yes sir.
Q Since her death, has Jerry H. Vestol re-married?
A Not that I know of.
Q Has he continued to reside in the Cherokee Nation since her death?

A Yes sir; up until his death.

BY MR. OWEN.

Q Do you know whether Vestol was recognized as a citizen from the time you knew him in '73?
A His wife was and also he was; he first moved on the Drew farm down there and Drew wanted to sell him the farm and he wouldn't buy a place until his wife was re-admitted.
Q Do you know if she was re-admitted?
A I suppose she was. He bought the place I was living on.
Q Do you know whether he ever sat as a juror in any cases down there in the Cherokee courts?
A Yes sir.
Q Did he hold any office in the Cherokee Government?
A No sir; not any more than serving as juryman and grand juryman. He was allowed to vote and in '75, they paid him what they called bread money.
Q How do you know that?
A He told me they did and I know what he bought; he said he bought a cow with the money.
Q Did you ever see him acting as juror in the Cherokee Nation?
A Yes sir.
Q You know then that he was recognized as a citizen of the Cherokee Nation?
A Yes sir; always had been.
Q What relation was Mrs. Vestol to you?
A None at all that I know of.
Q Was he any relation to you?
A No sir; if he was I didn't know it.
Q When did they move into the Cherokee Nation?
A In '73.
Q Did they ever move out of the Cherokee Nation after that?
A No sir.
Q They have lived right there in the vicinity of Webber's Falls?
A Yes sir.
Q After Mrs. Vestol died, did the old man re-marry before he died?
A No sir; if he did, I don't know it.
Q Did you continue to live there as a neighbor to him?
A Yes sir.
Q You would have known it if he had married?
A Yes sir.

ON BEHALF OF COMMISSIONER.

Q You stated just now that Jerry H. Vestol purchased a farm from you and it was your understanding that he wouldn't purchase it until his wife was re-admitted to citizenship?
A Drew tried to sell him a farm. I had rented a place and lived on it two years, '74 and '75; it belonged to Dr. Lindsey, and he bought it in '75.

BY MR. OWEN.

Q Did you ever hear Mr. or Mrs. Vestol say anything about getting married in the Cherokee Nation?
A No sir.

ON BEHALF OF COMMISSIONER.

Q You having been a neighbor of them, it was always understood that they had been married in the Cherokee nation?
A Yes sir; he always told me he had been married at Chief Rees'.

J. J. Sevier being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER:

Q What is your name? A J. J. Sevier.
Q What is your age? A 54.
Q What is your post office address?
A Webber's Falls.
Q You appear here to give testimony relative to the right to enrollment of Jerry H. Vestel, a citizen by intermarriage of the Cherokee nation?
A Yes sir.
Q When did you first know Jerry H. Vestel?
A I first got acquainted with him in January, 1873, but had known of him a long time before that.
Q He was a married man in 1873? A Yes sir.
Q You knew his wife? A Yes sir.
Q Do you know whether or not they had been married under the laws of the Cherokee Nation?
A Nothing only what he told himself.
Q What statements did he make to you regarding any Cherokee marriage?
A He told me the first marriage was in 1857 under the laws of Alabama and they afterwards came to the Nation and they went up near Tahlequah and while there, Chief Rees advised him he had better marry again under Cherokee law, and he did so.
Q Do you know about the date of that marriage under the Cherokee law?
A Nothing only he said 1857.
Q Was it prior to the war? A Yes sir.
Q From the time when you first knew them personally in 1873, was it the understanding that they had been married in accordance with the Cherokee law?
A Well, from what he said about it; yes sir.
Q They resided together as husband and wife until her death?
A Yes sir.
Q And Mr. Vestel did not re-marry after that time?
A No sir; I think not.
Q He lived continuously all that time in the Cherokee Nation?
A Yes sir.

BY MR. OWEN.

Q Do you know whether he ever acted as a juror in Cherokee courts?
A Yes sir; he did.
Q He was generally recognized as a citizen?
A Yes sir; he served both as grand juror and petit juror. I had him in my courts there.

Q What office did you hold?
A District Attorney; Cherokee Court.
Q Do you know when Mrs. Vestal was re-admitted to citizenship?
A It seems to me it was '75; either '74 or '75.
Q How do you fix that date?
A I went off to school in September, '75, to Fayetteville, Arkansas, and after father went to Tahlequah, he was admitted to Council and had Mrs. Vestal's case; and he sent the paper to me and the proceedings of the Council were published every week and I noticed Mrs. Vestal's name among those admitted.
Q Was she any relation of yours?
A First cousin.
Q Your recollection is that it was in the fall of '75?
A Yes sir; that's my recollection.
Q Might you be mistaken about that and it was '74?
A Well, I think not; I don't know though; of course, I could be mistaken.

Applicant presents in evidence certificate of A. B. Cunningham, Executive Secretary Cherokee Nation, dated January 11, 1907, showing in the criminal records of the Canadian District, 1866 to 1875, that Jerry Vestal was one of the jurors in the case of Cherokee Nation vs. George Simmons, at a special term held January 4, 1875.

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, opposite No. 1426, and on the 1896 roll opposite No. 293.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 21st day of January, 1907.

John E. Tidwell
Notary Public.

AN Act Granting Certain Persons therein Named
Cherokee Citizenship.

Be It Enacted by the National Council:-

That the following named persons be and they are admitted to Cherokee Citizenship: John Jordan and wife and Children, J.P.Thompson, L.Thompson, Jessie Thompson, W.W.Thompson, W.J. McKeking, wife and child, James Glazier, Sarah McDhel, Joseph Gayler, and family and J.N.Vental and wife; Provided, That this act shall not take effect until the before named persons, shall remove into the Cherokee Nation as citizens thereof.

L.B.Bell,
Clerk of Senate.

William Wilson,
President of Senate.

Concurred in

Geo.O.Sanders,
Clerk of Council.

Jno.R.Duval,
Speaker of Council,

Approved:
Dec.5th, 1874.

Will P.Ross.

Executive Department,

Cherokee Nation,

Tahlequah, Indian Territory.

I, A.B.Cunningham, Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of an act of the National Council, entitled, "An act granting certain persons therein named Cherokee Citizenship." As of record in this office.

Said Act being approved by the Principal Chief and recorded on page 215 of "Record of Laws of Cherokee Nation, 1872, 1873 and 1874,".

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation, this the 18th, day of January, 1907.

A B Cunningham
Executive Secretary,
Cherokee Nation.

W. C. ROGERS, Principal Chief
D. M. PADLEWSKI, Assistant Chief
W. W. HASTINGS, National Attorney
J. M. CHOATE, Treasurer

EXECUTIVE DEPARTMENT

CHEROKEE NATION

A. S. CUNNINGHAM, Executive Secretary
C. J. HARRIS, Assistant Secretary
W. H. WALKER, Assistant Secretary

TAHLEQUAH, INDIAN TERRITORY

I, hereby certify that the "Record of Permits issued, for Canadian District" show that Jery Vestal procured a permit for L.H.Olliver for the term of four months, beginning March, I, and ending July, Ist, 1895.

I further certify that the record that the "Criminal record of Canadian District, 1868 to 1875" shows Jerry Vestal was one of the jurors in the case of the Cherokee Nation, vs, George Simmons, charged with murder, before the Circuit Court in and for Canadian District, at a special term held January--4-th, 1875, and case continued until January, 25th, 1875.

I further certify that both of the above mentioned records of Canadian District, Cherokee Nation, were by an Act of the Cherokee National Council, transferred to and made a part of the records of this department, and that the same is in my custody.

In testimony whereof, I hereunto set may hand and affix the seal of the Cherokee Nation, this the IIth, day of January, 1907.

A S Cunningham
Executive Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

F.R. Cherokee 1652.

Muskogee, I.T., January 31,,1907.

In the matter of the application for the enrollment of Jerry H. Vestol as a citizen by intermarriage of the Cherokee Nation.

Applicant represented by Tom. Owen.

W. H. Barker, being first duly sworn by Frances R. Land, a Notary Public for the Western District of Indian Territory, testified as follows:

By Mr. Owen:
Q Your name is W. H. Barker? A Yes sir.
Q Your residence is Muskogee? A Yes sir.
Q What is your age? A Fifty-six.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Have you held any official position under Cherokee government? A Yes sir.
Q What? A Well, I was a member of the Cherokee Council and Judge of the Southern Judicial Circuit.
Q What part of the Cherokee Nation was included in your circuit while you were judge? A Canadian District.
Q Did you know a man by the name of Jerry H. Vestol? A Yes sir.
Q Where did he reside? A Webbers Falls.
Q Was he a recognized citizen of the Cherokee nation? A Yes sir.
Q To what extent did you have an acquaintance over the Cherokee nation with the citizens? What I mean, were you pretty generally acquainted all over the nation? A I was pretty generally acquainted all over the Cherokee Nation, that is, among the people.
Q Did you know any other Vestol in the Cherokee nation except the one who resided near Webbers Falls? A No, I never did.
Q How many terms were you in the council? A I was speaker of the house two years; I was in, was re-elected by the Cherokee council, Cherokee National Council.
Q What district were you elected from? A Canadian District.
Q This man Vestol lived in your district did he? A Yes sir.
Q Did you know any more than this one man by that name that lived in that district? A No, I didn't know any other one.
Q Were you acquainted with his wife? A No, I was not.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled case and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane.

Subscribed and sworn to before me this January 31, 1907.

Edward Merrick
Notary Public.

UNITED STATES OF AMERICA.)
WESTERN DISTRICT)
INDIAN TERRITORY.)

IN RE APPLICATION OF JERRY H VESTAL FOR ENROLLMENT AS AN ADOPTED CITIZEN OF THE CHEROKEE NATION.

AFFIDAVIT OF FRANKLIN GRITTS.

Franklin Gritts having been first duly sworn upon oath states that he is 73 or 74 years of age, he is not certain which; that his residence and Post Office is Gritts Indian Territory; that he is almost a full blood Cherokee citizen and is enrolled as such or full blood by the Commissioner to the Five Civilized Tribes; that during the year 1874 he was a member of the Cherokee Council as one of the Councilmen from the Canadian District of the Cherokee Nation; that while serving in such capacity as Councilman that Jerry H Vestal and wife were re-admitted by the Council as shown by the records thereof, and that he has lived in the same neighborhood as the said Jerry H Vestal ~~for~~ since 1873 or from the time the said Vestal moved into this district up to the time of his death, and knows that the act of the Council re-admitting Vestal and wife was re-admitting the said Jerry H Vestal and wife of Webbers Falls or the Canadian District; that to the best of his knowledge there has never been but the one Vestal made application for admission or been recognized as a citizen of the Cherokee Nation; that he served upon a jury with the said Jerry H Vestal in the George Simmons murder trial which was held in Webbers Falls during the latter part of 1875 or the first part of 1876. Further affiant saith not.

Witness to mark.

J. J. Swing

B. F. Burr

his
Franklin x Gritts
mark

Subscribed and sworn to before me this 31st day of January 1907.

J. O. Buchanan
Atty Pub.

My Com. Exp.
6/24/10

UNITED STATES OF AMERICA.)
WESTERN DISTRICT)
INDIAN TERRITORY.)

IN RE APPLICATION OF JERRY H VESTAL FOR ENROLLMENT AS AN ADOPTED CITIZEN OF THE CHEROKEE NATION.

STATEMENT OF J. J. SEVIER and B. F. BURR AS TO RELIABILITY OF FRANKLIN GRITTS.

J. J. Sevier and B. F. Burr each of lawful age having been first duly sworn upon oath state that they were present and saw Franklin Gritts make his mark to signature to statement made in reference to the application of Jerry H Vestal and that they believe from the best of their knowledge that the said statements are true and that the said Franklin Gritts is a resident of Gritts Indian Territory, a citizen of the Cherokee Nation and worthy of belief.

J J Sevier
B F Burr

Subscribed and sworn to before me this 31st day of January 1907.

J C Buchanan
Notary Public.

My Com. Ex
6/24/10

T.W.L. Cherokee 1652

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Jerry H. Vestal as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 20, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Jerry H. Vestal as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 29, 1902, January 15, 1907, and January 31, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Jerry H. Vestal, a white man, was married in the State of Alabama, prior to November 1, 1875, to his wife, Eliza J. Vestal, since deceased, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District, No. 1427, as a native Cherokee, marked "Dead"; that the applicant herein, Jerry H. Vestal and his wife, Eliza J. Vestal, were admitted to citizenship in the Cherokee Nation on December 5, 1874, as "J. N. Vestal and wife", upon the condition that they remove to the Cherokee Nation; that said applicant and his said wife removed to the Cherokee Nation in 1874; that from the time of said marriage the said Jerry H. Vestal and Eliza J. Vestal resided together as husband and wife, and continuously lived in the Cherokee Nation since the year 1874, until the death of said Eliza J. Vestal which occurred in 1881; that after the death of said Eliza J. Vestal said Jerry H. Vestal remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Jerry H. Vestal, is entitled, under the provisions of section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory

this _____ 1907 _____

F.W. 214

IN RE
THE DEATH OF

Jerry M. Vestal

A CITIZEN OF THE

Cherokee Nation

Approved JUN 21 1907 190

Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
CHEROKEE LAND OFFICE,
FILED
JUN 21 1907

Department of the Interior,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of _____
(Here insert name of deceased)

a citizen of the _____ Nation, who formerly resided at or near

_____ Ind. Ter., and died on the _____ day of
(Here insert name of post office)

_____, 1 _____

AFFIDAVIT OF RELATIVE

_____ }
_____ }

I, _____, on oath state that I am

years of age and a citizen, by _____, of the _____ Nation;

that my postoffice address is _____ Ind. Ter.; that I am
(Here insert name of postoffice)

_____ of _____
(State relationship: as the father; an uncle; a cousin, etc.) (Here insert name of deceased)

who was a citizen, by _____, of the _____ Nation

and that said _____ died on the _____ day of
(Here insert name of deceased)

_____, 1

WITNESSES TO MARK:

(Must Be Two Witnesses) {

Subscribed and sworn to before me this _____ day of _____ 190

_____ Notary Public.

AFFIDAVIT OF ACQUAINTANCE

Western Dist, }
Ind Ter. }

I, H. L. Sanders, on oath state that I am 37

years of age, and a citizen ~~by~~ of the U. S. Nation;

that my postoffice address is Webbers Falls, Ind. Ter.;
(Here insert name of postoffice)

that I was personally acquainted with Jerry H Vestal
(Here insert name of deceased)

who was a citizen, by Intermarriage of the Cherokee Nation;

and that said Jerry H Vestal died on the 18 day of
(Here insert name of deceased)

November 1905 H L Sanders

WITNESSES TO MARK:

(Must Be Two Witnesses) {

Subscribed and sworn to before me this 21st day of Jan 190 6

Albert Tappell Notary Public.

S.W. 214

32 Ches 1452

IN RE
THE DEATH OF
Jerry H Vestal
A CITIZEN OF THE
Cherokee Nation

Approved July 2 1907
J S Wright
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
CHEROKEE LAND OFFICE
FILED
JUL 2 1907
J. S. Wright.

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jerry N Vestal
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near Webbers Falls
(Here insert name of post office)
Ind. Ter., and died on the 18th day of November, 1905

AFFIDAVIT OF RELATIVE

I, , on oath state that I am years of age and a citizen, by , of the Nation; that my postoffice address is
(Here insert name of postoffice)
Ind. Ter.; that I am
(State relationship: as the father; as uncle; a cousin, etc.) of
(Here insert name of deceased)
who was a citizen, by , of the Nation and that said
(Here insert name of deceased)
died on the day of

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

Indian Territory
Western District

I, Mary Rogers, on oath state that I am 56 years of age, and a citizen by Blood of the Cherokee Nation; that my postoffice address is Webbers Falls
(Here insert name of postoffice)
, Ind. Ter.; that I was personally acquainted with Jerry N Vestal
(Here insert name of deceased)
who was a citizen, by adoption, of the Cherokee Nation; and that said Jerry N Vestal
(Here insert name of deceased)
died on the 18th day of November 1905

her
Mary x Rogers
mark

WITNESSES TO MARK:

(Must Be Two Witnesses)
W Sanders
Joe Sheffield

Subscribed and sworn to before me this 24 day of June 1907

J E Buchanan
Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
7838-1907

February 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir;

There is forwarded herewith report of Commissioner Bixby, dated January 19, 1907, relative to the placing of the names of certain white intermarried citizens, who are entitled to enrollment under the decision of the United States Supreme Court in the case of Daniel Red Bird, et al. vs. the United States, on a separate roll with a separate series of numbers.

On January 19, 1907, the Office forwarded to the Department the Commissioner's report in the matter of the applications for enrollment as intermarried Cherokee citizens of Queen Watkins, et al. and John L. Bates, et al., and recommended that their applications be denied in accordance with Commissioner Bixby's decision.

The Commissioner reports that the names of 1143 applicants for enrollment as citizens by intermarriage of the Cherokee Nation appear on the approved partial roll of Cherokee citizens; and that all of these persons were embraced in the decisions forwarded to the Department on January 19, 1907, except the following 192 ap-

plicants, whose names appear on the roll opposite the numbers following their respective names:

George W. Scott	22178	Joel Kelly	22465
George W. Elliott	22181	Jane Crittenden	22501
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Solon James	22217	Samuel L. Johnson	22550
Roxie L. Freeman	22234	James M. Cloud	22551
Thomas D. Chatham	22254	Ellen E. Morris	22553
John W. Chandler	22256	Anna E. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22306	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Beam	22611
Francis M. Conner	22313	Rebecca M. Bigbey	22622
John J. Smith	22315	Solon H. Roberts	22645
Lee B. Smith	22326	Demaris Goss	22654
Louis L. Duckworth	22334	Jane Rider	22655
William Crowder	22353	John R. Allison	22668
William R. Quarles	22390	Sarah L. Price	22682
Emily L. Brown	22428	John W. Johnson	22683
John F. M. Christie	22429	John W. Goss	22685
John Scott	22433	Talitha J. Adair	22692

Nancy Welch	22654	Gaines C. Smith	22716
John D. Smith	22656	Argyle Quesenbury	22723
George Bradley	22724	Rebecca Hood	23172
Emma C. Wheeler	22733	Pyrena Harris	23183
Missouri I. Ross	22773	John H. Biffert	23190
Polly Henson	22827	Nancy H. McAllister	23191
Lizzie Lee	22844	George W. Williams	23204
James K. Pemberton	22883	John Robinson, Sr.	23206
John W. Breedlove	22946	Emeline Weaver	23241
Simeon Eldridge	22970	Ella E. Fields	23242
Florian H. Nash	22973	Adeline Ratlinggourd	23260
Stephen N. Carlile	22979	Martha Kelley	23273
Jerry H. Vestal	22995	Harvy Lindsy	23285
Solomon Bragg	23024	Daniel Harmon	23292
Thomas J. Ayers	23025	Martha Harris	23302
Nancy Cordray	23036	Clement Hayden	23344
Charles E. Willey	23038	John H. Baugh	23361
French Miller	23041	Mary A. Raper	23384
John F. Vankoy	23042	David G. Thompson	23401
Edwin Wren	23045	Riley W. Lindsey	23414
Patrick Foley	23065	Meleenna Bibles	23443
William Winton	23076	Albert G. Gass	23514
William Jackson	23100	Cynthia A. Fields	23538
Sarah E. McDonald	23107	John C. Hogan	23543

Charles Bray	23118	George W. Williams	23615
Louisa J. Sloan	23144	Tredwell S. Rawson	23622
Daniel Young	23168	Samuel C. Glenn	23625
Matilda Sturdivant	23627	Louisa J. Trott	24057
Sarah B. Cheek	23628	John T. Scott	24064
Stacy M. Perry	23632	Martha L. Knight	24074
Addie Chouteau	23687	Margaret M. Woodall	24114
Nancy E. Rogers	23696	John T. Brackett	24122
Daniel K. Wetzel	23710	John Swain	24124
Jesse A. Thomas	23724	Thomas Howie	24148
Gabel Conner	23725	Caroline B. Fields	24170
Martha A. Miller	23733	Robert K. Nix	24195
Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trout	23761	Lucinda J. Craig	24243
Eliza P. Ward	23788	James McCamish	24246
Isaac M. Mode	23794	Osburn J. Byrd	24261
Jincy J. England	23818	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23875	Mary J. Walker	24300
Robert R. Tayler	23879	Ruff D. Coats	24309
Frank Skinner	23903	Naoma A. Sloan	24326
Lewis Moore	23907	Michal Mulcare	24329

Elenda Taylor	23918	Mary C. McGhee	24332
Edward B. Frayser	23931	Milton H. McCullough	24342
James B Hall	23932	George A. Armstrong	24346
Burgess G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander H. Anderson	24399
Marion Holderman	24405	Charles M. Bonvers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett G. James	24422	Alfred Foyil	24661
William H. Brown	24458	Elizabeth H. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Dombo	24741
Andrew H. Norwood	24527	Murdoch McLeod	24746
Jacob H. Bartles	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P Howell	24801
Mary E. Bible	24560	Charles M. Franks	24805
James Thornbrugh	24561	Charles H. Bacon	24810
Holland L. Parrish	24573	Greenville P. Hoffhefinger	24860
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24886
James G. Mahlin	24600	John M. Baker	24918
Rufus M. Allen	24608	Marion W. Gough	24926
Alfred M. Gott	24606	Edward Byrd	24961
Micajah M. Phillips	24626	John T. Hollpadden	25003
William H. McAnally	24629	Amanda Beck	25004

The Commissioner says that all these persons are differently classified from those embraced in the decisions previously forwarded to the Department, and a separate decision will be rendered in each case.

The Supreme Court of the United States, in its decision in the Daniel Red Bird case, held that white persons who intermarried with citizens by blood of the Cherokee Nation in accordance with Cherokee law, prior to November 1, 1875, are entitled to enrollment and have equal per capita rights with Cherokee Indians by blood in the lands constituting the public domain of the Cherokee Nation, and are entitled to be enrolled for that purpose, but such intermarried whites acquired no rights and have no interest or share in any funds belonging to the Cherokee Nation except where such funds were derived by lease, sale or otherwise, from the lands of the Cherokee Nation conveyed to it by the United States by the patent of December 1838.

Under this decision, therefore, intermarried white persons entitled to enrollment as citizens of the Cherokee Nation have a different status from all other Cherokee citizens, and in order to avoid confusion and simplify the matter of the enrollment of such citizens, the Commissioner recommends that the names of all the applicants herein named be stricken from the approved partial roll of Cherokee citizens retained in the Department and in this

office, and that he be authorized to take similar action on the copies of the roll in the possession of his office.

In the opinion of the Office this action will avoid confusion in the future, and it is recommended that this Office and the Commissioner be authorized to take the action suggested by him.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

A/W-MK.

D.C. 8779-1907. J.F Jr.

DEPARTMENT OF THE INTERIOR, LRB.

DIRECT. WASHINGTON. 4

I.T.D.2444-1907.
LRB.

February 9, 1907.

SPECIAL.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 5, 1907 (Land 7538), the Indian Office transmitted your report dated January 19, 1907, in the matter of certain persons who are enrolled as citizens by intermarriage of the Cherokee Nation.

You refer to the decision of the United States Supreme Court in the case of Daniel Red Bird et al. vs. the United States (203 U. S., 76), and state that in accordance with said decision you have recommended that the names of 1,143 applicants, by reason of intermarriage, should be stricken from the partial roll of Cherokee citizens.

Your recommendation with regard to these persons was approved by the Department on January 26, 1907.

You now transmit the names of 193 persons who are entitled to certain rights in the Cherokee Nation by reason of intermarriages which took place with citizens by blood of the Cherokee Nation in accordance with Cherokee laws prior to November 1, 1875, and who by reason of said marriages are entitled to

certain rights in and arising from the lands of the Cherokee Nation.

In view of the different status of these persons you state that you intend to render a separate decision in each case.

To avoid confusion you recommend that authority be granted for striking the names of the 193 persons named from the approved partial roll of the Cherokee Nation, and that those of the persons named who may be found hereafter entitled to enrollment shall be placed upon separate schedules under a new series of numbers.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

You are advised that the Department has this day stricken the names of the following persons, which appear opposite the numbers after their names, from the approved partial roll of Cherokee citizens in its possession:

George W. Scott	22178	Joel Kelly	22465
George W. Elliott	22181	Jane Crittenden	22501
Mary Lamar	22187	Martha W. Morgan	22517
Diophantus D. Thornton	22214	Lemuel S. Saunders	22547
Augustus C. Sager	22215	Franklin Andrews	22548
Selen James	22217	Samuel L. Johnson	22550
Rexie L. Freeman	22234	James M. Cloud	22551
		Ellen E. Morris	22553
John W. Chandler	22256	Anna E. Dannenberg	22554
Ann Jones	22261	Napoleon B. Littlejohn	22561
Napoleon B. Breedlove	22287	Mattie J. Dannenberg	22564
James C. Yeargain	22306	Amanda Alberty	22569
Rosanna J. Vann	22310	Victoria T. Bean	22611

Francis M. Conner	22313	Rebecca M. Rigbey	22622
John J. Smith	22315	Selem H. Roberts	22645
Lee B. Smith	22326	Damaris Goss	22654
Louis L. Duckworth	22334	Jane Rider	22655
William Crowder	22353	John R. Allison	22665
William R. Quarles	22390	Sarah L. Price	22682
Emily L. Brown	22426	John W. Johnson	22683
John F. M. Christie	22429	John W. Goss	22685
John Scott	22433	Talitha J. Adair	22692
Nancy Welch	22434	Gaines C. Smith	22716
John D. Smith	22436	Argyle Quesenbury	22723
George Bradley	22724	Rebecca Reed	23172
Emma C. Wheeler	22733	Pyrena Harris	23183
Missouri I. Ross	22773	John H. Biffert	23190
Polly Henson	22827	Nancy H. McAllister	23191
Linnie Lee	22846	George W. Williams	23204
James K. Pemberton	22883	John Robinson Sr.	23206
John W. Breedlove	22946	Emeline Weaver	23241
Simeon Eldridge	22970	Ella E. Fields	23242
Florian H. Nash	22973		
Stephen N. Carlile	22979	Martha Kelley	23273
Jerry H. Vestal	22995	Harvy Lindsy	23285
Solomon Bragg	23024	Daniel Harmon	23292
Thomas J. Ayers	23025	Martha Harris	23302
Nancy Cordray	23036	Clement Hayden	23344
Charles E. Willey	23038	John H. Baugh	23361
French Miller	23041	Mary A. Raper	23384
John F. Vanhoy	23042	David G. Thompson	23401
Edwin Wren	23045	Riley W. Lindsey	23414
Patrick Foley	23065	Melcenna Bibles	23443
William Winton	23076	Albert G. Gass	23514
William Jackson	23100	Cynthia A. Fields	23538
Sarah E. McDonald	23107	John C. Hogan	23543
Charles Bray	23118	George W. Williams	23615
Louisa J. Slean	23144	Tredwell S. Ramsen	23622
Daniel Young	23166	Samuel C. Glenn	23625
Matilda Sturdivant	23627	Louisa J. Trett	24057
Sarah B. Cheek	23628	John T. Scott	24064
Stacy E. Perry	23632	Martha L. Knight	24074
Addie Chouteau	23687	Margaret M. Woodall	24116
Nancy E. Rogers	23696	John T. Brackett	24122
Daniel K. Wetzel	23710	John Swain	24124
Jesse A. Thomas	23724	Thomas Rewie	24148
Cabel Conner (Caleb)	23725	Caroline B. Fields	24170
Martha A. Miller	23733	Robert K. Nix	24195

Robert C. Miller	23749	Henry Donnelly	24196
Alfred C. Raymond	23750	Mary S. Tittle	24241
Sarah A. Trent	23781	Lucinda J. Craig	24245
Eliza F. Ward	23788	James McCamish	24246
Isaac M. Meds	23794	Osburn J. Byrd	24261
Jincy J. England	23818	John A. Brown	24265
Helen R. Duncan	23851	Martha J. Fields	24288
John Weaver	23871	Emma L. Ironside	24295
Jemima McCrary	23878	Mary J. Walker	24300
Robert R. Taylor	23879	Ruff D. Coats	24309
Frank Skinner	23903	Nkona A. Sloan	24326
Lewis Moore	23907	Michal Mulcare	24329
Elzada Tayler	23912	Mary C. McGhee	24332
Edward B. Frayser	23931	Milton H. McCullough	24342
James O. Hall	23932	George A. Armstrong	24348
Burges G. Chandler	23952	Margaret Fields	24374
William H. Howell	24001	Alexander M. Anderson	24399
Marion Holderman	24405	Charles M. Beavers	24640
John J. Caldwell	24417	Christopher C. Lowther	24645
Garrett G. James	24422	Alfred Feyil	24661
William H. Brown	24458	Elizabeth E. Coker	24662
Peter Smith	24498	John W. Holland	24665
Almyra V. Tyner	24504	Joseph A. Denbo	24741
Andrew H. Norwood	24527	Murdoch McLeod	24746
Jacob H. Bartles	24528	Joseph Rollens	24781
Amanda M. Keys	24537	William Fry	24794
James M. Chaney	24553	Isaac P. Howell	24801
Mary E. Bible	24560	Charles H. Franks	24805
James Thornbrugh	24561	Charles H. Bacon	24810
Holland L. Parrish	24573	GreenvilleP.Hefflefinger	24860
James Martin	24591	George Sutherland	24877
Charlotte Coker	24594	Ada C. Foreman	24886
James G. Mehlin	24600	John H. Baker	24918
Rufus M. Allen	24605	Marion W. Gouch	24926
Alfred M. Gett	24608	Edward Byrd	24961
Micajah H. Phillips	24626	John T. McSpadden	25003
William H. McAnally	24629	Amanda Beck	25004
D. H. Foulrney	24637	John P. Drake	25006

The Indian Office has been requested to take similar action upon the rolls retained by it, and you are authorized to cancel said names from the rolls in your possession.

Your attention is called to the fact that authority was granted on January 24, 1907, for the cancellation of the name of Thomas B. Chatham, opposite No. 22254, and of Adeline Ratlingourd, opposite No. 23280, which you now again recommend for cancellation. Apparent typographical errors in the roll numbers have been corrected in three instances.

You are instructed to prepare and transmit for departmental action new schedules, with a new series of numbers, containing the names of those persons who may be found to be entitled to enrollment.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inclosure.

A.P.Mc.
2-12-08.

Cherokee 1652

Muskogee, Indian Territory, February 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Jerry H. Vestal as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.H-57
JMH

Commissioner.

Cherokee 1652

Muskogee, Indian Territory, February 21, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Jerry H. Vestal as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

D. W. Hackney

Attorney for Cherokee Nation.

Cherokee 1652

Muskogee, Indian Territory, February 21, 1907.

Administrator of Estate of Jerry H. Vestal,
Webbers Falls, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Jerry H. Vestal as a citizen by intermarriage of the Cherokee Nation.

You will be advised when the name of said Jerry H. Vestal has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-58
JMH

Cherokee 1652

Muskogee, Indian Territory, February 21, 1907.

Thomas Owen,

Attorney for Jerry H. Vestal,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Jerry H. Vestal as a citizen by intermarriage of the Cherokee Nation.

You have heretofore been furnished a copy of the record of proceedings had in this case.

Respectfully,

Encl.H-58 1/2
JMH

Commissioner.

80 roll,

Page 52 #426 J H Bertal

A.W.

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Cher IW 214

DEPARTMENT OF [illegible]
DIVISION OF AIR POLLUTION CONTROL
FILED
AUG 28 1968
1-7-13

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT/ GIBSON, I. T., AUGUST 21st, 1900.

IN THE MATTER OF THE APPLICATION OF Wilson Cordrey, wife and son, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A Wilson Cordrey.
Q What is your age? A Going on eighty-eight.
Q What is your Postoffice? A Braggs.
Q What is your District? A Illinois.
Q For whom do you make application for enrollment; yourself?
A Yes sir; myself, my wife, and one boy if you will allow me to enroll him.
Q Is he your son? A Yes sir.
Q Is he twenty one? A I expect he is.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A My first wife was.
Q This wife? A She is a white woman.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Have you lived in Illinois District all the time? A No sir.
Q How long have you lived in Illinois? A About twenty five years.
Q You are on the 1880 roll, are you? A Yes sir.
Q What is your wifes name? A Nancy Hall, before I married her.
Q When did you marry her? A 1863.
Q She is on the roll of 1880 with you then? A Yes sir.
Q What is your father's name? A Dave Cordrey.
Q Indian or white man? A Indian .
Q Dead, is he? A Yes sir .
Q How long ago? A During the year the Treaty of 1835 was made.
Q Your mother? A My mother, she has been dead
Q What is her name ? A Charlotte Cordrey.
Q Was she a white woman or an Indian? A White woman.
Q Dead? A Yes sir.
Q How long ago? A Been dead about forty five years ago.
Q Your wife's father; what is his name? A Ab Hall.
Q White man was he? A Yes sir.
Q Dead? A Yes sir.
Q What is the name of her mother? A She was a white woman.
Q What was her given name? A Susie, I think they called her.
Q White woman? A Yes sir.
Q Dead? A Yes sir.
(Applicant identified on the roll of 1880, Page 514, #353, Wilson Cordray, Illinois District)
(Applicant's wife identified on the roll of 1880, Page 514, #354, Nancy Cordray, Illinois District)
(Applicant identified on the roll of 1896, Page 851, #472, Wilson Cordrray, Illinois District)
(Applicant's wife identified on the roll of 1896, Page 926, #35, Nancy Cordry, Illinois District)

This applicant is duly identified on the rolls of 1880, and 1896; hiw wife is identified on both of the rolls; and he will be enrolled now as a Cherokee by blood; and she as a Cherokee by adoption.

R. R. Cravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing testimony and proceedings in full, and that same is a true, full and correct transcript of his stenographic notes in said case .

R R Cravens

Sworn to and subscribed before me this 28th day of August, 1900.

COMMISSIONER.

Q. Have you ever been in the employ of the Commissioner of Pensions?

A. Yes, sir.

Q. Do you know Frank Colgan?

A. Yes, sir.

Q. Have you been in the employ of the Commissioner of Pensions?

A. Yes, sir.

Q. Did you know Frank Colgan when he was in the employ of the Commissioner of Pensions?

A. Yes, sir.

Q. Did you know Frank Colgan's reputation for truth and veracity?

A. Yes, sir.

Q. Do

Cherokee 1714.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 17, 1902.

In the matter of the application of Wilson Cordray for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Nancy Cordray, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

NANCY CORDRAY, being sworn, testified as follows:

By the Commission,

Q Your name is Nancy Cordray, is it? A Yes, sir. There's two Nancy Cordrays.
Q What's your husband's name? A Wilson M. Cordray.
Q What's your age? A I don't know my age exactly.
Q About seventy-seven? A My brother said seventy-eight; he lived in the State.
Q What is your postoffice? A Braggs.
Q Are you a white woman? A Yes, sir, the Indians raised me.
Q Your name is on the roll of 1880? A Yes, sir, it's on every roll since peace was made.
Q What is your husband's name? A Wilson Cordray.
Q Was he your husband in 1880? A Yes, sir, when peace was made.
Q He the husband through whom you claim your citizenship? A Yes, he's at home.
Q You and your husband been living together since '80? A Yes, sir.
Q Never been separated? A Only when he goes off and stays among the children.
Q Does he just go off and visit the children? A He's just old and childish. He gets vexed and goes off and gets vexed and comes back.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir, was never no where else in my life.
Q Is your husband living? A Yes, sir.

By Mr. Starr,

Q Living with you now? A Yes, he was when I left home.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 14th day of November, 1902.

Notary Public.

Cherokee 1715.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 22, 1907.

In the matter of the application for the enrollment of NANCY CORDRAY as a citizen by intermarriage of the Cherokee Nation.

LOUISA ANDERSON, being first duly sworn by B. P. Rasmus, a Notary Public, testified as followson behalf of applicant:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Louisa Anderson.
Q What is your age? A My mother said I was 46, I don't know whether I am that old or not, but she said I was
Q What is your postoffice address? A Fort Gibson, Indian Territory
Q You are a citizen by blood of the Cherokee Nation, are you? A Yes sir.
Q You appear here today for the purpose of giving testimony relative to the right of Nancy Cordray to enrollment as a citizen by intermarriage of the Cherokee Nation, do you? A Yes sir, I am a witness here to get it fixed up today if I can.
Q Is Nancy Cordray your mother? A Yes sir.
Q She is a white woman is she? A Yes sir, she has been in the Nation ever since she was 8 years old.
Q She had no Cherokee blood? A No sir, not as I know of.
Q She only claimed the right to enrollment as a citizen of the Cherokee Nation by virtue of her marriage to a Cherokee by blood? A That is all.
Q Is she living? A No sir.
Q When did she die? A The day before last Christmas.
Q What is the name of the citizen through whom she claims the right to enrollment? A Wilson Cordray.
Q Is he your father? A Yes sir
Q When was Wilson Cordray married to Nancy Cordray? A They were married before the war.
Q Do you know where they were married? A No sir, I don't; Uncle Vanhoy is my witness, he said he would come in and tell where he was married at; I don't know, they were married before the war though.
Q Where were you living when you can first remember? A I was living right where I am living now, in the bottom ever since I can remember.
Q Were you living when your father and mother when you can first remember? A Yes sir.

Q From the time you can first remember did your father and mother reside together continuously as husband and wife until the death of your father in 1905? A Yes sir.
Q And lived all the time in the Cherokee Nation? A Yes sir, ever since I have been big enough to recollect.
Q Have you any evidence in a documentary character showing the marriage of Wilson Cordray to Nancy Cordray? A No sir, I haven't got any papers or anything because his house got burned down twice and if they had any papers or anything they were burned up in the house. Just witnesses is all I can bring up.

The applicant, Nancy Cordray, is identified on the Cherokee Authenticated tribal roll of 1880; her husband, Wilson Cordray is identified on said roll at No. 353, and his name appears upon an approved partial roll of citizens by blood of the Cherokee Nation opposite No. 4552.

(Witness excused)

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 22nd day of January, 1907.

John E. Tidwell
Notary Public.

B.C.N.

Cherokee 1715.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 9, 1907.

SUPPLEMENTAL proceedings in the matter of the application for the enrollment of NANCY CORDRAY as a citizen by intermarriage of the Cherokee Nation.

CHARLES HARRIS, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Charles Harris.
Q What is your age? A 65.
Q What is your post office address? A Muskogee, I.T.
Q Mr. Harris, do you appear here today for the purpose of giving testimony relative to the right of Nancy Cordray to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Were you acquainted with Nancy Cordray? A Yes sir.
Q Were you acquainted with her husband, Wilson Cordray? A Yes sir.
Q Are they alive now? A The wife is.
Q How long have you known Nancy and Wilson Cordray? A Since about '72 or '73.
Q Were they married when you first knew them? A Yes sir.
Q Where were they living? A In the Bottoms, over near Gibson.
Q What District is that? A Illinois.
Q Was Wilson Cordray a citizen by blood of the Cherokee Nation, at that time? A Yes sir.
Q Do you know whether or not Wilson Cordray had ever been married prior to his marriage to Nancy Cordray? A Not that I know of.
Q Had Nancy Cordray been married prior to her marriage to Wilson Cordray? A Not that I ever heard of.
Q You say they were living together as husband and wife when you first became acquainted with them? A Yes sir.
Q After that did they continuously reside in the Cherokee Nation, and live together as husband and wife until the time of his death? A Yes sir, that is my understanding.

(Witness excused).

THOMAS CORDRAY, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

Q What is your name? A Thomas Cordray.
Q What is your age? A About 58.
Q What is your post office address? A Muskogee, I. T.
Q Do you appear here today for the purpose of giving testimony relative to the right of Nancy Cordray to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Are you any relation to Nancy Cordray? A No sir, nothing more than step-mother.
Q She is your step-mother? A Yes sir.

Q Who was your father? A Wilson Cordray.
Q He had been married before he married Nancy Cordray? A Yes sir, he married this lady after my mother died.
Q When were Wilson Cordray and Nancy Cordray married? A They commenced living together like people did in them times in '62.
Q That was after the death of your mother? A Yes sir.
Q They were regarded as husbandx and wife, were they? A Yes sir.
Q Has Wilson Cordray always been recognized as a citizen of the Cherokee Nation? A Yes sir.
Q From the time of theirr marriage until his death, did Wilson and Nancy Cordray reside together as husband and wife, and live in the Cherokee Nation? A Yes sir, I suppose they did; sometimes he was away from home.
Q Were those absences temporary? A I guess they was; he would go back.
Q To where some of his children lived.
Q Just on visits? A I guess so.

BY MR. HASTINGS, ATTORNEY FOR CHEROKEE NATION:

Q He never lived out of the Cherokee Nation? A No sir.
Q After the death of Wilson Cordray, did Nancy Cordray remarry? A No sir.
Q She never remarried up to the time of her death? A No sir.
Q Do you know whether or not they were ever married at all? A Can't swear to it; I was there 2 or 3 weeks.
Q Were they said to have been legally married? A I didn't ask any questions.
Q Did you ever hear that they were married, or that they just took up with each other? A I never asked no questions.
Q Did you ever hear anything about it? A People taken up together in them times.
Q Did you ever know anything about it one way or the other? A No sir.
Q Were they said to have been married by a preacher, or an officer, or that they were married at all? A No sir.
Q Was either of them ever married before? A Nancy Cordray had been married to a Cherokee Indian named Dick Jumper, and my father had been married to my mother.
Q Was her first husband dead at the time? A Yes sir, he had been dead several years.
Q This is your step-mother you are testifying about? A Yes sir.
Q She is living with your father? A Yes sir.
Q When did you say they commenced living together? A In '62.
Q How old were you then? A About 13 or 14.
Q Do you mean to say that you never heard, one way or the other, as to whether they were lawfully married? A I asked no questions; it was a general rule that people lived together.
Q I want to know if you had any information about it? A No sir.
Q You dont know whether your father married her or not? A No sir.
Q Where were you living at the time? A In the Choctaw Nation.
Q Where were they living then? A Right there in the Choctaw Nation; during the war; I lived with the old man off and on.
Q Were you there when they commenced living together? A No sir.

Q Where were you? A I dont know just exactly.
Q Were you there in the neighborhood? A Not then I was not.
Q You do not remember how far away you were at the time?
A No sir, because I didn't have nothing to do with it.
Q You were in the Choctaw Nation? A Yes sir.
Q Was your father's home your home? A When I was at home.
Q Your headquarters? A Yes sir, general headquarters.

(Witness excused).

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Sarah Waters

Subscribed and sworn to before me this 11th day of February, 1907.

Frances Rice
Notary Public.

E C M

Cherokee 1715.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of NANCY CORDRAY as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 21, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Nancy Cordray as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 17, 1902, January 22, 1907 and February 9, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Nancy Cordray, nee Hall, a white woman, was married in the year 1863 to one Wilson Cordray, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Illinois District, No.353, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.4552. It is further shown that from the time of said marriage the said Wilson Cordray and Nancy Cordray resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and tha Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the Unted States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Nancy Cordray, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this _____.

Cherokee
1718.

Muskogee, Indian Territory, February 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Nancy Cordray as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-45.
HJC

Commissioner.

Cherokee
1715

Muskogee, Indian Territory, February 21, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Nancy Cordray as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said personmay be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee
1715

Muskogee, Indian Territory, February 21, 1907.

Louisa Anderson,

Fort Gibson, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of your mother Nancy Cordray as a citizen by intermarriage of the Cherokee Nation.

You will be advised when her name has been placed upon a schedule of citizens by intermarriage of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.EJ-50.
HJC

Commissioner.

GEN.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

I. T. 24126-1907. WASHINGTON. May 25, 1907.

Richard P. Rooskot, Esq.,

Braggs, Indian Territory.

Sir:

The Office is in receipt of your letter of April 5, 1907, asking that the name of Nancy Cordry, wife of Wilson Cordry, be stricken from the roll of intermarried citizens of the Cherokee Nation, and saying that the Department has certainly been misinformed as to the identity of this person or she would not have been enrolled.

In reply you are advised that the records of this office show that the name of Nancy Cordray has been stricken from the roll of intermarried Cherokee citizens.

Very Respectfully,

(Signed) Frank M. Conser.

Chief Clerk.

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Pryor Creek, I. T., Sept. 13, 1900.

In the matter of the application of Albert G. Gass for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Albert G. Gass.
Q What is your age? A Fifty-nine.
Q What is your post-office address? A Inola, Indian Territory.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q How long have you resided in the Cherokee Nation?
A Ever since 1867.
Q What is your wife's name? A Her maiden name was Lucy Ann Ward.
Q You were married before 1880? A Yes sir.
Q Have you any children that you desire to enroll? A No sir.
1880 roll page 435 #767 Albert Gass Goingsnake District;
1880 roll page 435 #768 Lucy Gass "
1896 roll page 1280 #92 Albert Gass Tahlequah District;
1896 roll page 1178 #1323 Lucy Gass Tahlequah District.

Com'r Needles: The name of Albert G. Gass is found upon the authenticated roll of 1880 as Albert Gass and the name of his wife Lucy is also found upon the authenticated roll of 1880, his name is also found upon the census roll of 1896 as Albert Gass, and the name of his wife is also found upon the census roll of 1896; he having been duly identified according to page and number of the rolls as indicated in the testimony, and having made satisfactory proof as to residence, said Albert G. Gass will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his wife Lucy as a Cherokee citizen by blood.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 17 day of September 1900.

Commissioner.

[illegible]

[illegible]

[illegible]

Char
Supp'l to # 2725

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 13, 1902.

In the matter of the application of ALBERT G. GASS, for the enrollment of himself as a citizen by intermarriage, and his wife, LUCY A. GASS, as a citizen by blood, of the Cherokee Nation:

ALBERT G. GASS, being duly sworn and examined by the Commission, testifies as follows:

Q What is your name ? A Albert G. Gass.
Q How old are you ? A Sixty one years old.
Q What is your post office address ? A Inola.
Q You are a white man ? A Yes sir.
Q Does your name appear upon the 1880 roll as an intermarried white ? A Yes sir.
Q What is your wife's name ? A Lucy A.
Q Was she your wife in 1880 ? A Yes sir.
Q Have you and your wife been living together in the Cherokee Nation ever since 1880 ? A Yes sir.
Q Never been separated ? A No sir.
Q You never made your home outside the Cherokee Nation ?
A No sir.
Q Have you any children living with you ? A No sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this October 30, 1902.

B. A. Jones
Notary Public.

Cherokee No. 2725.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. January 7, 1907.

In the matter of the application of Albert G. Gass for enrollment as a citizen by intermarriage of the Cherokee Nation.

Albert G. Gass, being first duly sworn by Frances R. Lane, Notary Public, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Albert G. Gass.
Q What is your age? A 65 years old.
Q What is your postoffice address? A Peggs, Indian Territory.
Q You claim citizenship in the Cherokee Nation by intermarriage, do you? A Yes, sir.
Q Through whom do you claim such citizenship? A By Lucy A Ward.
Q She was a citizen by blood of the Cherokee Nation? A Yes, sir.
Q When wereyou married to Lucy A. Gass? A Married to her in 1864.
Q Where? A In the state of Texas.
Q At what place? A In Hopkins County.
Q That marriage was under a license of the state of Texas?
A Yes, sir.
Q The ceremony performed by a preacher? A Yes, sir, hard-shell Baptist preacher.
Q The license recorded? A Yes, sir, sent back to the office.
Q You haven't a copy of that license with you? A No, sir.
Q When did you move to the Cherokee Nation with Lucy A. Gass?
A '67.
Q Upon your removal to the Cherokee Nation were you again married to her in accordance with the Cherokee laws? A In August 1868 I married her again according to the laws of the Cherokee Nation.

Q Where did this second marriage take place? A In Going Snake District near the state line of Kansas.
Q That was under a license of the Cherokee Nation?
A Yes, sir, that is what they called a license.
Q What was the name of the judge who married you? A Johnson Robins, fullblood Cherokee.
Q What became of that certificate? A Can't tell you; he took it. Don't know what he done with it.
Q Is Lucy A. Gass living at this time? A Yes, sir, or she was yesterday evening at 2 o'clock.
Q Have you and Lucy A. Gass lived together continuously as man and wife within the Cherokee Nation from the date of your removal to said Nation in 1868 until the present time? A Yes, sir.
Q Was Lucy A. Gass married prior to the time she married you?
A No, sir.
Q Were you married prior to the time you married her?
A No, sir.

Q Is there anyone here today who was present at your marriage in the Cherokee Nation? A Yes, sir, he is here.
Q What is his name? A Joe Thornton.
Q You have nothing at this time in the way of Documentary evidence covering either the marriage in Texas or the marriage in the Cherokee Nation? A Not unless I go back to the records.

The applicant's name appears on field card 2725, and is listed on the authenticated roll of Cherokee citizens of 1880, Going Snake District, opposite No. 767. Lucy A. Gass, the applicant's wife, is also listed on the 1880 roll opposite No. 768, and is included in an approved partial roll of citizens of the Cherokee Nation by blood, opposite No. 6943. The name of the applicant and his wife also appear on the 1896 roll opposite Nos. 92 and 1323.

Q Is there anyone else living at this time who was present at this marriage in the Cherokee Nation? A The only witness I had is dead. I asked her brother about her and he said she was dead.

WITNESS EXCUSED.

F. Elma Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings in the above entitled and numbered cause, and that the foregoing is a true and correct transcript of her stenographic notes therein.

F. Elma Lane

Subscribed and sworn to before me this 8th day of January, 1907.

Edward Merrick
Notary Public.

C. F. B. Cherokee 2725.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 11, 1907.

Supplemental proceedings in the Matter of the Application for the Enrollment of Albert G. Gass as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES; E.L. C. Ward for Applicant.
Cherokee Nation represented by W. W. Hastings, Attorney.

E. L. C. Ward being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A E. L. C. Ward.
Q What is your age? A 50 years.
Q What is your post office address?
A Siloam Springs.
Q Do you know a person in the Cherokee Nation by the name of Albert G. Gass?
A Yes sir.
Q How long have you known him?
A I recollect him since 1864.
Q He is a white man? A Yes sir.
Q He claims the right to enrollment as a citizen of the Cherokee Nation by virtue of his marriage to a Cherokee by blood?
A Yes sir.
Q What was his wife's name? A Lucy Ann Ward.
Q Did you know her before her marriage to Gass?
A Yes sir; she was my half sister.
Q When were they married? A In 1864.
Q Where were they married at that time?
A State of Texas.
Q Was Lucy A. Gass living in the State of Texas at that time?
A Yes sir.
Q Was she making that her home or was her home in the Cherokee Nation?
A Her home was in the Cherokee Nation.
Q Was she a recognized citizen of the Nation?
A She was quick as she came back.
Q When did they come to the Cherokee Nation after their marriage?
A In '67.
Q On coming to the Cherokee Nation, was Lucy A. Gass recognized as a citizen of the Nation or was she admitted by the Cherokee authorities?
A She was recognized as a citizen.
Q Were they married in accordance with the laws of the Cherokee Nation, subsequent to their coming to the Nation?
A They went up to get married in '68. They lived there 6 or 8 months to get acquainted, so as to get signers to their petition.
Q After they had resided in the Cherokee Nation for 6 or 8 months, they were married in accordance with the laws of the Cherokee Nation?
A They went off to get married and came back and said they were married.

Q You didn't see them married?
A No sir.
Q Did you see the petition he got for the purpose of securing his license?
A I was a small boy then; couldn't read; I just heard he got it.
Q It is your understanding and belief that he did secure a license?
A Yes sir.
Q They came back and you have known them since that time as husband and wife?
A Yes sir.
Q And you understood that that was their purpose,- being married again,- was to comply with the laws of the Cherokee Nation?
A Yes sir.
Q Since their marriage in 1868, has Albert G. Gass enjoyed all the privileges and exercised all the rights of a citizen by intermarriage of the Cherokee Nation?
A I don't think he got all the monies but he enjoyed all, the rights of a citizen by intermarriage.
Q Do you know of his voting at elections?
A Yes sir.
Q Did he ever held any office?
A Not that I know of.
Q But he has been recognized as a citizen by intermarriage by the Cherokee authorities?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 14th day of January, 1907.

John E. Tidwell

Notary Public.

Cherokee 2725.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. February 19, 1907.

SUPPLEMENTAL:

In the matter of the application for the enrollment of Albert G. Gass as a citizen by intermarriage of the Cherokee Nation.

S. E. Parris being first duly sworn by W. W. Chappell, a Notary Public, testifies as follows:

By the Commissioner:

Q What is your name? A S. E. Parris.
Q What is your age? A 57.
Q What is your Post office address? A Tahlequah.
Q Do you appear here today for the purpose of giving testimony relative to the right of Albert G. Gass to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q How long have you been acquainted with Albert G. Gass? A About 30 years.
Q Is he a white man? A I suppose so, he's said to be.
Q Are you acquainted with his wife? A Yes sir.
Q What is her name? A Lucy Ann Ward before she married Gass.
Q Is she a citizen by blood of the Cherokee Nation? A I think so, I guess she is, we have been in the Nation all our lives; played together.
Q Were you acquainted with these parties before they married? A I was with the woman, but not with the man.
Q Were you present at their marriage? A No sir, he married this girl in Texas first, and my brother got the signers for him and they was married again.
Q Did you see the petition? A No sir.
Q Do you know positively that they got a license from the authorities of the Cherokee Nation? A No sir, I know they had the petition.
Q When were they married? A I don't know; it was a long time ago.
Q About how long a go? A It was in '66 or '68 or somewheres along there.
Q Since the date of their marriage have they continuously resided together as husband and wife and remained in the Cherokee Nation? A Yes sir.

Witness Excused.

Alec Ward being first duly sworn by W. W. Chappell, a Notary Public, testifies as follows:

By the Commissioner:

Q What is your name? A Alec Ward.
Q Your age ? A 68.
Q Your Post Office address? A Claremore.
Q Do you appear here today for the purpose of giving testimony relative to the right of Albert G. Gass to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.

Q How long have you been acquainted with the applicant in this case, Albert G. Gass? A About the middle of the war and ever since.
Q Is he a white man? A I suppose he is.
Q You say he married your sister? A Yes sir.
Q She was a citizen by blood of the Cherokee Nation? A Yes sir.
Q When did he marry your sister? A Two years after the war and at the time of the war, the middle of the war, in Texas.
Q After moving to the Nation was your sister admitted to citizenship in the nation? A Yes sir.
Q When? A She didn't have to be, she was already a citizen. They were married in Texas and they come back here and were married over.
Q Were they married under a license issued by the authorities of the Cherokee Nation? A Yes sir.
Q Did you see the license? A I didn't know what a license was but they called them a license.
Q Did you see a paper purporting to be a license? A No sir, I don't think I did.
Q Was you at the marriage? A Yes sir, I was right there.
Q Did they secure a license? A That's what they said it was.
Q Did they get up a petition? A Yes sir.
Q You are positive of that? A Yes sir.
Q From the time of the marriage have they continuously resided together as husband and wife and remained in the Cherokee Nation? Yes sir.

By Mr. Hastings:

Q What was the purpose of this second marriage? A To get them a right to territory, I guess.
Q In order to be married in accordance with Cherokee law? A Yes sir.
Q Now you people went out of the Nation at the beginning of the war, were out during the war and came back at the end of the war and never lost your citizenship at all? A No sir.

Witness Excused.

I, Cora E. Glendenning, a stenographer to the Commissioner to the Five Civilized Tribes, on oath state that I reported the proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of my stenographic notes therein.

Cora E. Glendenning

Subscribed and sworn to before me this 20 day of February 1907.

Walter W. Chappell
Notary Public.

E.C.M. Cherokee 2725

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Albert G. Gass as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Pryor Creek, Indian Territory, September 13, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Albert G. Gass as a citizen by intermarriageof the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 13, 1902, January 7 and 11, and February 19, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Albert G. Gass, a white man, was married in accordance with Cherokee law, in August, 1868, to one Lucy A. Gass, nee Ward, who was at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, who is identified upon the Cherokee authenticated tribal roll of 1880, Going Snake District, No. 768, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 6945. It is further shown that from the time of said marriage the said Albert G. Gass and Lucy A. Gass resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Albert G. Gass, is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this _____ 1907.

Cherokee 2735

COPY

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of Albert G. Gass as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.A-14
RA

Cherokee 2725

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

Receipt is acknowledged of the testimony and of your decision, enrolling Albert G. Gass as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hardison

Attorney for the Cherokee Nation.

Cherokee 8725

COPY

Muskogee, Indian Territory, February 23, 1907.

Albert G. Sass,

Peggs, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.A-13
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., SEPTEMBER 17th, 1900.

IN THE MATTER OF THE APPLICATION OF Tredwell S. Ransen, wife and child, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Tredwell S. Ransen.
Q What is your age? A Fifty six/
Q What is your Postoffice? A Groves.
Q What District do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q How long have you been a resident of the Cherokee Nation?
Twenty eight years.
Q What is the name of your wife? A Julia M. Ransen.
Q When did you marry her? A Feburary 6th, 1875.
Q For whom do you apply? A Myself, wife and one child.
Q What is the name of your child? A Alvie M. Ransen.
Q How old is she? A She is sixteen.
Q Is she living and living with you? A Yes sir.
Q What is the age of your wife? A She is forty three.

(1880 Roll, Page 304, #2147, Tredwell Hinson, Delaware Dis't)
(1880 Roll, Page 304, #2148, Esther Hinson, Delaware ")
(1896 Roll, Page 587, #457, Tredwell S. Ransen, Delaware Dis't)
(1896 Roll, Page 523, #2528, Julia M. Ransen, Delaware ")
(1896 Roll, Page 523, #2589, Alvie M. Ransen, Delaware Dis't)

The name of Tredwell S. Ransen appears upon the authenticated roll of 1880, as Tredwell Hinson, and the name of his wife, Julia M. Ransen appears on the authenticated roll of 1880, as Esther Hinson: Their names appear upon the census rolls of 1896, they being fully identified according to the page and number of the rolls, and having made satisfactory proof of their residence; the said Tredwell S. Ransen will be only listed for enrollment by this Commission as a Cherokee citizen by intermarriage, and his wife, Julia M. Ransen, and daughter, Alvie M. Ransen as Cherokee citizens by blood.

The undersigned, being sworn, states that as a stenographer of the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenography thereof.

A A Graves

Subscribed and sworn to before me this 17th day of September, 1900.

T. B. Needles

COMMISSIONER.

Cherokee 2841.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of Tredwell S. Bensen for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Julia E. Bensen, and child, Alvia M. Bensen, as a citizen by blood of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A Tredwell S. Bensen.
Q How old are you? A Fifty-nine years old.
Q What is your postoffice? A Grove, Indian Territory.
Q Are you a white man? A Yes sir.
Q Is your name on the roll of 1880 as an intermarried white man? A Yes sir.
Q What is your wife's name? A Julia E.
Q Is she a Cherokee by blood? A Yes sir.
Q How long has she been living in the Cherokee Nation? A She was born here.
Q Was she your wife in 1880? A Yes sir.
Q Is she the wife through whom you claim your citizenship? A Yes sir.
Q Have you and your wife been living together since 1880? A Yes sir.
Q Never been separated? A No sir.
Q Are you living together now? A Yes sir.
Q Has the Cherokee Nation been your home since 1880? A Yes sir.
Q Never been anywhere else? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 19th day of November, 1902.

B. O. Jones
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES
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Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office.
Tahlequah, I. T., September 24, 1903.

In the matter of the application of Tredwell S. Remsen for the enrollment of himself and his wife, Julia E., and his minor child, Alvie M. Remsen, as citizens by blood of the Cherokee Nation.

LEE VANDAGRIFF, personally appearing, and being first duly sworn and examined, testified as follows:

Q What is your name? A Lee Vandagriff.
Q How old are you? A 28.
Q What is your post office address? A Grove, I. T.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Is your wife a citizen? A Yes, sir.
Q What is her name? A Alvie M. Vandagriff.
Q How old is she? A Nineteen.
Q Under what name was she enrolled by the Commission? A Alvie M. Remsen.
Q Have you married her since she was enrolled? A Yes, sir.
Q When were you married? A January 7, 1903.
Q Do you and she live together now? A Yes, sir.
Q You present here a power of attorney, signed by Alva M. Vandagriff, authorizing you to select her allotment in the Cherokee Nation, is that the same person as Alvie M. Vandagriff? A Yes, sir,

o----------o

I, George R. Smith, being first duly swor n, state that, as stenographer to the Commission to the Five Civilized Tribes, I recorded the testimony as given above, and that the same is a true and accurate transcript of my stenographic notes thereof.

A part of my notes containing testimony in the matter of this application were lost, and no record can, therefore, be made of that portion of it.

George R Smith

Subscribed and sworn to before me this 1 day of November, 1903.

Samuel Foreman

Cherokee No.2841.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 2, 1907.

In the matter of the application of Tredwell S. Remsen, for enrollment as a citizen by intermarriage of the Cherokee Nation.

Tredwell S. Remsen, being first duly sworn by Frances R. Lane, a Notary Public for the Western District, Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Tredwell S. Remsen.
Q How old are you? A Sixty-three.
Q What is your postoffice address? A Grove, I. T.
Q You claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Through whom do you claim that right? A Julia E. Monroe.
Q When were you married to her? A 6th of February, 1875.
Q Did you marry her under Cherokee law? A Yes sir.
Q Have you got a license? A No, I havn't got no license. I havn't got no marriage certificate. The marriage license was lost or burned 7 or 8 years ago. The marriage license is lost.

The applicant presents for consideration a family bible containing the following certificate:
"This certifies that the rite of holy matrimony was celebrated between Tredwell S. Remsen of Valley Spring, N Y., and Julia E. Monroe of Careys Ferry, Cherokee Nation, on February 6, 1875 at T. J. McGhee's by T. J. McGhee, Judge of Delaware District. Witness T. J. McGhee and Rebecca Monroe."

Q Who filled out this certificate? A I filled it out myself.
Q When did you fill this out? A I filled it out sometime I think probably in 1883 or 1884. I don't know exactly when.
Q Did you obtain a license to marry your wife before your marriage? A Yes sir.
Q Who did you get it from? A James E. Holland.
Q What did you pay for that license? A $10
Q Did you present a petition to secure that license?
A Yes, I had a petition with ten signers, Cherokees by blood.
Q What became of it? A It was lost in the fire at below Chetopa, or else we lost it when we moved, and my wife got that other affidavit from McGhee.
Q Have you and your wife lived together continuously as husband and wife, in the Cherokee Nation, from the time of your marriage in 1875 up to and including the present time?
A Yes sir.
Q And are still living together? A No sir.
Q When did you separate? A October 5, 1905.
Q Did you obtain a divorce from her or did she from you?
A She got one from me I guess; I never got any notice of it though.
Q Did you live together up until that time,or had you

ever been separated before? A No, never been separated before.
Q Did she leave you or did you leave her? A She left me--well, she has not left me; she is there yet; we don't live together as man and wife and havn't since Oct. 5th. 1905.
Q You live in the same neighborhood? A Yes, in the same house. Our daughter is there with us, and her family.
Q Were you ever married before you married Julia E. Monroe?
A No sir.
Q Was she ever married before she married you? A No, she was about 17 years old, and I took her on east and showed her all my folks out in New York, after we were married, a few years afterwards.
Q You have not married again since you separated from her?
A No sir.

Applicant is identified on the 1880 Cherokee roll opposite No. 2147. His wife, through whom he claims his right to be enrolled as a citizen of the Cherokee Nation by intermarriage, is identified on said roll opposite No. 2148. She is also identified on the final roll of citizens by blood of the Cherokee Nation opposite No. 3172.

It will be necessary for you to furnish additional proof of the fact that you obtained a license to marry your wife in accordance with the Cherokee law, and that said license and certificate have been lost or destroyed, and also, to present secondary evidence to establish the fact that you were married according to Cherokee law.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscaribed and worn to before me this January 4, 1907.

Edward Merrick,
Notary Public.

Cherokee 2841.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 4, 1907.

Additional Evidence taken in the Matter of the Application for the Enrollment of Tredwell S. Remson, as a citizen by intermarriage of the Cherokee Nation.
Census Card Number 2841.

David A. McGee being first duly sworn testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A David A. McGee.
Q How old are you? A About 58 years old.
Q What is your post office address?
A Dodge, Indian Territory.
Q Are you a citizen of the Cherokee Nation?
A Yes sir.
Q By blood? A Yes sir.
Q Do you know Tredwell S. Remson?
A I know T. S. Remson.
Q Did you know Julia E. Monroe?
A Yes sir.
Q Do you know when she and T. S. Remson were married?
A I know about.
Q About when were they married?
A As well as I can remember, sometime in February, 1875.
Q Do you know whether they were married under a Cherokee license or not?
A I don't know; I heard they were.
Q Did you ever see the license?
A No sir.
Q Who married them?
A I don't know; I did know but I don't remember.

BY APPLICANT.

Q Do you remember signing the petition for the license?
A I signed so many petitions, I don't remember; I might, if you had asked me I would have signed.
Q What was the first time you ever saw me in the Cherokee Nation, there about Grove?
A About '74.
Q I have always boarded there, haven't I, and been recognized as a citizen of the Cherokee Nation?

Cherokee 2841.

A Yes sir; I served on the Jury several times with you in our Courts.

Applicant states that he drew bread money in 1875 and 1880 as a citizen of the Cherokee Nation.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 5th day of January, 1907.

John E. Tidwell
Notary Public.

C. F. B. Cherokee 2841.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 7, 1907.

In the Matter of the Application for the Enrollment of Tredwell S. Remson as a citizen by intermarriage of the Cherokee Nation.

Thomas J. McGee for Applicant.

APPEARANCES:

Cherokee Nation represented by H. M. Vance, in behalf of W. W. Hastings, Attorney.

Thomas J. McGee being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Thomas J. McGee.
Q What is your age? A 62.
Q What is your post office address?
A Afton, Indian Territory.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir.
Q You desire to give testimony relative to the right to enrollment of Tredwell S. Remson as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Tredwell S. Remson has no Cherokee blood?
A No sir.
Q His only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of his marriage to a citizen by blood?
A Yes sir.
Q What is the name of the citizen through whom he claims that right?
A Julia E. Remson.
Q When were they married?
A In 1875.
Q What time of the year in 1875?
A As well as I remember, it was in the fore part of the year. I can't give the exact date. I married them myself. I was Judge of the District.
Q Was she a recognized citizen of the Cherokee Nation at the time he married her?
A Yes sir.
Q Did he procure a license?
A Yes sir; from one of my clerks, James E. Holland.
Q He was married then in accordance with the law of the Cherokee Nation, by you?
A Yes sir.
Q You were then Judge of what District?
A Delaware District, Cherokee Nation.

C. F. B. Cherokee 2841.

Q Do you know of your own personal knowledge that after their marriage they lived together as husband and wife continuously up to the present time?
A Well, they lived together until right here of late; I think they were divorced.
Q How long ago?
A I think it has been in the last six months; I just heard that; I am not positive.
Q Do you know where you obtained that information?
A I heard it there in Grove through their neighbors.
Q They were living together on September 1, 1902?
A Yes sir.
Q Have they continuously lived in the Cherokee Nation since their marriage?
A Yes sir.
Q Do you know of your own personal knowledge that they were married in accordance with the laws of the Cherokee Nation?
A Yes sir; I do.
Q Was there any record made of this marriage?
A Yes sir; I think there was.
Q Where is it to be found?
A It should be found in the Executor's office, of the Cherokee Nation.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 8th day of January, 1907.

John E. Tidwell
Notary Public.

C E R T I F I E D C O P Y .

Grove, I. T.

Dec. 31st, 1906.

This is to certify that Nancy A. Harlin who is a bout 66 Years of age, a resident of Grove, I. T. is very feeble and Infirm not able to do any thing.

(Signed) J. C. Holland -
M. D.

I have been a Practicing Physician for a bout 13 years.

The within affidavit Subscribed and sworn to this 8th day of January A.D.1907.

(SEAL) (Signed) T. S. Remsen
Notary Public.

My Comss. expires May 2d, 1908.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 20th day of February, 1907.

Notary Public.

CERTIFIED COPY.

2d Recording District) Cherokee - 2841.
Indian Territory) Grove, January 9th, 1907.

Personally appeared before me a Notary Public in and for said District and Territory Nancy A. Harlin, to me known and entitled to credit, who after being duly sworn declares as follows:
I am 64 years of age in 1872, I married James E. Harlin, a Cherokee by blood in February 1875. My husband issued a Marriage License to Tredwell S. Remsen, a white man, to marry Julia E. Monroe, a Cherokee woman by blood, and a recognized Citizen of the Cherokee Nation. I know this was in 1875 as during that spring we drew bread money at Vinita. Rebecca Monroe, Mother of Julia E. lived neighbor to me and when they came back from T. J. McGhee after being married I gave them their wedding dinner. And they were married sometime before we drew Our bread money. I am in feeble health and not able to go any where.

(Signed) Nancy A. Harlin

Subscribed and sworn to this 9th day of January 1907.

(Signed) W. E. Ross,
Notary Public.

My Commission expires Oct.17th, 1909.

(SEAL)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

[signature]
Stenographer.

Subscribed and sworn to before me this 20th day of February, 1907.

[signature]
Notary Public.

CERTIFIED COPY.

Cherokee 2841.

Grove, Ind. Tery. Jan. 11th 1907.

Comss. to the 5 Civilised Tribes. I enclose a letter to you from A. B. Cunningham, Ex. Secty. Cherokee Nation. From what he says my record of marriage may be found in some Other Book or the Book Kept by the Clerk of Tahlequah Dist.

Resp.

(Signed) T. S. Remsen.

Grove - Ind Tery. - January 9, 1907.

Comss. to the 5 Civilized Tribes:

I would be pleased to have a copy of T. J. McGhee's testimony in my case - Cherokee No.2841.

Resp.

(Signed) T. S. Remsen.

Grove, Ind Tery.

January 6th, 1906.

Comss. to the 5 Civilised Tribes:

T. J. McGhee, who married me will be at your office to morrow 7 or 8 to testify for Lewis Moore and Samuel C. Glenn. Please have him to testify in my case.

Cherokee No.2841.

Resp. (Signed) Tredwell S. Remsen.

N. B. let me know if his testimony is sufficient.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 20th day of February, 1907.

Notary Public.

CERTIFIED COPY.

EXECUTIVE DEPARTMENT
Cherokee Nation.

W.C.Rogers, Principal Chief
D.M.Faulkner, Assistant Chief
W.W.Hastings, National Attorney
J. H. Covel, Interpreter

A.B.Cunningham, Ex. Secretary.
C.J.Harris, Assistant Secretary
W.H.Walker, Assistant Secretary.

TAHLEQUAH, INDIAN TERRITORY
January 9th, 1907.

T. S. Remson

Grove, Indian Territory,

Sir:-

Replying to your letter of the 7, inst, you are advised that all the marriage records were sent to the Commission late last month. I think possibly they were looking in the Delaware records for you, I think if they will examine a small record of Tahlequah District, this is a small book about 4 by 6 inches, they will find your record, as this little book contains a record of many of those old marriages from various districts in the Nation. I suppose it was the custom to send the license to the Clerk of Tahlequah district for record.

Very respectfully,

(Signed) A. B. Cunningham
Secretary.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 20th day of February, 1907.

Notary Public.

CERTIFIED COPY.

Grove, I. T.

Dec. 31st, 1906.

This is to certifiy that James E. Harlin who is about 75 years of age, a resident of Grove, I. T., who is afected very much with Rheumatism & Diabetis-: not able to go any where, almost Impossible to get out of the house without & assistant.

(Signed) J. C. Holland,
M. D.

I have been a Practicing Medicine for a bout 13 years:-

The within affidavit subscribed and sworn to this 8th day of January, 1907.

(Signed) G. S. Remsen,
Notary Public.

My Comss. expires May 2nd, 1908.

(SEAL)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 20th day of February, 1907.

Notary Public.

CERTIFIED COPY.

Cherokee 2841.

2d Recording Dist)
)
Indian Territory) Grove, January 9th, 1907.

Personally appeared before me a Notary Public in and for said Dist, and Territory, James E. Harlin, a resident of Grove, to me well known, and entitled to credit, who after being duly sworn, declares as follows:- I am Over 75 years of age I married Nancy A. Harlin, nee Bell in 1872 I was Clerk of Delaware District, Cherokee Nation in 1874 and 5. In February 1875 I issued a Marriage License to Tredwell S. Remsen, a white man to Marry Julia E. Monroe, a Cherokee woman by blood and a recognized citizen as such. This license was issued in accordance with the Laws of the Cherokee Nation Existing at that time, thay were duly executed by T. J. McGhee, Judge of Delaware District, returned to my office and recorded in a Book Kept by Clerks for that purpose. Some three days after the License were issued this Book was turned Over to my Successor in office, November, 1875, Mr. Cunningham.

I am afflicted with rheumatism, can hardly walk around the house.

(Signed) James E. Harlin.

Subscribed and sworn to this 9th day of January, 1907.

(Signed) W. E. Ross,
Notary Public.

My Commission expires Oct.17th, 1909.

(SEAL)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 20th day of February, 1907.

Notary Public.

E C M

Cherokee 2841.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of TREDWELL S. REMSEN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory September 17, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Tredwell S. Remsen as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territo October 21, 1902, Tahlequah, Indian Territory, September 24, 1903 and Muskogee, Indian Territory, January 2, January 4 and January 7, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Tredwell S. Remsen, a white man, was married in accordance with Cherokee law February 6, 1875 to his wife, Julia A. Remsen, nee Monroe, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No.2148 as a native Cherokee and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.7132. It is further shown that from the time of said marriage the said Tredwell S. Remsen and Julia A. Remsen resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Tredwell S. Remsen is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this 1907 _____.

Cherokee 2841

COPY

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of Tredwell S. Remson as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.A-9
RA

Cherokee 2841

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Tredwell S. Remsen as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

D. D. Hastings

Attorney for the Cherokee Nation.

Cherokee 2641

COPY

Muskogee, Indian Territory, February 23, 1907.

Tredwell S. Ramsen,

Grove, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.A-8
RA

Cher IW 217

Cher IW 217

3008

COMMISSIONER
SEP 21 1900
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 19, 1900.

In the matter of the application of Robert C. Miller for the enrollment of himself, wife and children as citizens of the Cherokee Nation, said Miller being sworn by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Robert C. Miller.
Q What is your age? A 66.
Q What is your post office address? A Grove.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir
Q By blood? A No, sir.
Q By inter-marriage? A Yes, sir.
Q Your father and mother are non-citizens? A Yes, sir.
Q For whom do you apply for enrollment? A Myself, wife and family
Q What is the name of your wife? A Mary M. Lamar.
Q That was her name when you married her? A Yes, sir.
Q When did you marry her? A April 1st, 1869.
Q Have you been living with her continuously since that time? A Yes, sir.
Q Is she living now? A Yes, sir.
Q She was born in 1850? A Yes, sir.
Q Do you know the name of her father? A Yes, sir, J. L. Lamar.
Q Is he living? A No, sir.
Q What is the name of her father? A Elizabeth.
Q Is she living? A No, sir.
Q Felix M. was born in 1883? A Yes, sir.
Q He would be 17 years old would not he? A Yes, sir.
Q Emma M., she is 13 years old? A Yes, sir.
Q James C., he would be 11 years old? A Yes, sir.
Q William C., he is nine years old? A Yes, sir.
Q These children alive and living with you? A Yes, sir.
Q How long have you been a resident of the Cherokee Nation? A About 34 years.
Q You been living with your wife continuously since that time? A Yes, sir.

1880 enrollment; page 2[illegible], #1739, Robert Mellir, Delaware.
1880 enrollment; page 2[illegible], #1740, Mary Mellit, "
1896 enrollment; page 5[illegible]2, #376, Robert Miller, "
1896 enrollment; page 50[illegible], #2015, Mary M. " "
1896 enrollment; page 50[illegible], #2016, Felix Miller, "
1896 enrollment; page 50[illegible], #2017, Emma " "
1896 enrollment; page 50[illegible], #2018, James, " "
1896 enrollment; page 50[illegible], #2019, William " "

Com'r Needles:

The name of Robert C. Miller appears upon the authenticated roll of 1880 as Robert Mellir, and upon the census roll of 1896 as Robert Miller. The name of his wife appears upon the authenticated roll of 1880 as Mary Mellir, and upon the census roll of 1896 as Mary Miller. The name of his children, Felix M., Mary, James C. appear upon the census roll of 1896. They all being duly identified according to the page and number as indicated in the testimony, and having made satisfactory proof of their residence, said ~~Miller~~ Robert C. Miller will be duly listed for enrollment by this Commission as a Cherokee citizen by inter-marriage. The name of his wife Mary, and his children, Felix, Emma M., James C. and William C., will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

Robert C. Miller---S.

J: O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correcty recorded the testimony and proceedings in this case, and that the for-goingis a true and complte transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 30 1901

ACTING CHAIRMAN.

File with Cherokee straight No.3008.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28, 1901.

In the matter of the application of Robert C. Miller et al for enrollment as Cherokee citizens.

STATEMENT AND ORDER.

Commissioner Breckinridge: In Cherokee straight case No. 3008, the application of Robert C. Miller, et al., the age of the child, Felix F. Miller, is given in the testimony as 17 years at the time of application, September 19, 1900, and on the enrollment card and in the enrollment memorandum the age of this child is given as 13 years. Upon consulting the roll of 1896 this child is found there recorded as 13 years of age, which would make his age at the present time 18. It is ordered that the enrollment card be corrected to correspond with the testimony and the roll of 1896, and that this child's name be entered as 17 years old.

There are marked variations in the names of some of these applicants.

In the case of the applicant's wife she is given upon the card, upon the enrollment memorandum and in the testimony as Mary E; in the field judgment her name is mentioned simply as Mary. It is obvious that the former is correct and the card as it now stands is considered to be correct.

As regards the child, Felix F., his name is mentioned in the judgment as Felia, which is obviously a stenographic error, and the card is considered correct, he having been recorded as Felix F.; this corresponds with one rendering of his name in the judgment and one form given in the testimony and on the enrollment memorandum.

The child, William E. as given in the testimony and on the enrollment card, is mentioned in the field judgment as William C. It is evident that the initial C. in the latter case is a typographical error and the present form of the enrollment card is correct.

It is ordered that a copy of the foregoing be attached to each copy of the testimony in this case.

--**--

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this October 28, 1901.

C. R. Breckinridge.

Commissioner.

3608

Sworn to before me and subscribed in my presence, this 18th day of November, 1902.

COMMISSIONER OF DEEDS

Q If is about time they were on the roll then. A They are on the roll, they sent them down here. Felix said the woman have been with me and my woman Lourteen months. He made a crop there.

Betta Chick, being first duly sworn, states that, as stenographic notes therefor.

Betta Chick, Commissioner of the Five Civilized Tribes, being lawfully sworn to the proceedings in the matter of the joint application of the Choctaw and Chickasaw Nations for the enrollment of the applicants herein, and that the above is a true and complete record of the testimony and proceedings had before me.

Subscribed and sworn to before me this 18th day of November, 1902.

NOTARY PUBLIC.

My Commission Expires March 9, 1904.

Cherokee 3008.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 20, 1902.

In the matter of the application of Robert C. Miller for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Mary E. Miller, and his four children, Felix F. Miller, Emma M. Hopkins, James C. Miller and William E. Miller, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

ROBERT C. MILLER, being sworn, testified as follows:

By the Commission,

Q What is your name, please? A Robert C. Miller.
Q What's your age, Mr. Miller, at this time? A Well, about sixty-eight, as well as I recollect.
Q What's your postoffice? A Grove.
Q Are you the same Robert C. Miller for whom application was made in September, 1900 for enrollment as an intermarried citizen?
A At Vinita?
Q Yes. A Yes, sir.
Q Who made the application for you? A Who made it?
Q Yes, who appeared before the Commission? A I did.
Q You did, yourself? A Yes, sir.
Q Well, at that time you gave your age as sixty, is that right or was that a mistake? A Well, now, I made a mistake just now, I guess. You see, I taken it off the family record and the children's ages and all.
Q Well, now, what would you say your age is at this time? A Well I give it in correct. I took it off the family record.
Q At that time? A Yes, I handed it to the Commission.
Q So your age now would be about sixty-two? A Yes, about sixty-two. My head's in a bad shape.
Q What is your wife's name? A Mary E.
Q Is she a citizen by blood? A Yes, sir, I guess she is.
Q When were you married to your wife, Mary E.? A April 1, '69.
Q To this wife? A Yes, sir.
Q Never been married to any other woman? A No.
Q You are on the '80 roll with her as her husband? A Yes, sir, I am on the '70 roll.
Q Have you and your wife, Mary E., lived together since 1880 up to the present time? A Yes, sir.
Q Never been separated? A No, sir, stayed right there and aim to take care of her as long as she lives.
Q Were you and she living together as husband and wife on the first day of September, 1902? A Yes, sir.
Q Have you and she lived together in the Cherokee Nation all the time since 1880 up to the present time? A Yes, sir.
Q Are these children, Felix F., Emma M., James C. and William E., all your children by your wife, Mary E.? A Yes, sir.
Q All these four children living at this time? A All living.
Q Have they lived in the Cherokee Nation all their lives? A All but Emma, she lives in Washington.
Q She's married? A Emma is married and Felix is married and both have a boy apiece.
Q You say Felix has a child, and Emma? A Yes, sir.

Q. It is about time they were on the roll then. A. They are on the roll, they sent them down here. Felix and his woman have been with me and my woman fourteen months. He made a crop there.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 18th day of November, 1902.

B O Jones
Notary Public.

F.R.

Cherokee 3008.

DEPARTMENT OF HE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 28, 1907.

In the matter of the application for the enrollment of Robert C. Miller as a citizen by intermarriage of the Cherokee Nation.

Robert C. Miller being first duly sworn by Frances R. Lane a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Robert C. Miller.
Q What is your age? A I was born in 1834 I think.
Q That makes you about 73 years old? A Yes sir.
Q What is your postoffice address? A Grove, I. T.
Q You are a white man are you? A Yes sir.
Q Not possessed of any Indian blood? A Not a bit.
Q You claim your right to enrollment by virtue of your marriage to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of the citizen through whom you claim? A My wife, Mary E. Miller, now. Mary E. Lamar was her name.
Q When were you married to Mary E. Lamar? A April 1, 1869.
Q That marriage was under a license of the Cherokee Nation, was it? A Yes sir.
Q What district was that? A Flint District.
In Book B., Marriage Records of Flint District, page 120, now in possession of this office, appears a record showing that a marriage license was issued by James W. Adair Clerk of the District Court, Flint District, to Robert Miller and Mary Lemar on March 30, 1869, and that said parties were married on April 1, 1869, by M. Ghormley, minister of the Gospel. Said marriage license and certificate of marriage were filed for record on April 3, 1869.
Q At the time you married Mary Lemar, she was a citizen by blood of the Cherokee nation? A Yes sir.
Q Had you ever been married before you married Mary Lemar?
A No sir.
Q Had she ever been married before she married you? A I don't know whether she had or not. She lived with a man down in the Choctaw Nation awhile. One of her cousins, and he wouldn't work and she made him hike.
Q When was that? A During the war.
Q It is your understanding though, that she was never lawfully married to this man in the Choctaw Nation. A No--you see they all took up when they first come to this country; they just took up and lived together.
Q Is your wife living at this time? A Yes, sheis at home.
Q From the time of your marriage to Mary Lemar in 1869, have you resided as husband and wife and continuously lived in the Cherokee Nation up until the present time? A Yes sir.
Q You have never been separated and have never moved out of the Cherokee Nation. A No, I have got as good woman as anyone; if she hadn't have been a good woman I wouldn't have been here today. I fell 12 feet and when I got that fall---
Q At the time you married Mary Lamar she was regarded as a

single woman? They didn't regard her as being married to this man in the Cherokee Nation? A No, everybody called her Mary Lamar and recommended her to me as a good woman

The applicant, Robert C. Miller, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, opposite No. 1739, and on the Cherokee census roll 1896, Delaware District, No. 376.
The applicant's wife, Mary E. Miller, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, opposite No. 1740, and on the Cherokee census roll of 1896, Delaware District, opposite 2013.
She is also included in the approved partial roll of citizens by blood of the Cherokee nation opposite No. 7474.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this January 29, 1907.

Edward Merritt
Notary Public

E. C. M. Cherokee 3008.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 6, 1907.

In the matter of the application for the enrollment of Robert C. Miller as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL.

Martha Evans being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

Q What is your name? A Martha Evans.
Q You came here for the purpose of giving testimony in the case of Robert C. Miller, now pending before this Commission?
A Yes sir.
Q Are you acquainted with the applicant in this case, Robert C. Miller, and his wife, Mary E. Miller?
A Yes sir.
Q How long have you known them?
A I have known her all her life.
Q Was she ever married prior to her marriage to Robert C. Miller? A Yes sir.
Q Who was her first husband? A John Inlow.
Q Was she married more than once before she married Robert C. Miller?
A No sir.
Q She was married in accordance with the law to this John Inlow?
A Yes sir.
Q They lived together as husband and wife?
A Yes sir.
Q Was he dead when she married Robert C. Miller?
A Yes sir; she was dead.
Q Was John Inlow any relation to Mary E. Miller?
A They were second cousins.
Q They were living together at the time he died?
A No.
Q They had separated had they? A Yes sir.
Q Was Mary E. Miller a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Always been recognized as a citizen of the Nation?
A Yes sir.
Q Was she born in the Cherokee Nation?
A No, she was born in Alabama.
Q When did she come to this Nation?
A Why, it was '56 I reckon.
Q After coming to the Cherokee Nation she was admitted to citizenship? A O yes.
Q Did Mary E. Lamar come to this Nation on the general invitation issued by the Cherokee Nation to the Cherokees in Alabama?
A No.
Q She didn't come at that time?
A No, they brought themselves here.
Q Was she recognized as a citizen of the Cherokee Nation prior to her marriage to Robert C. Miller?
A Why, yes.

Q What was her father's name? A James Lamar.
Q Her mother's name? A Elizabeth Lamar.

Richard L. Tayler being first duly sworn by Mrs. Lyman K. Lane, testified as follows:

Q What is your name? A Richard L. Taylor.
Q What is your age? A 52.
Q What is your post office address?
A Stilwell, Indian Territory.
Q What district? A Flint District.
Q Are you acquainted with the applicant herein, Robert C. Miller, and his wife, Mary E. Miller?
A Yes sir.
Q How long have you known them?
A Ever since along about '68 or '69; somewheres along there.
Q Were you acquainted with the wife of Robert C. Miller before she was married? A Yes sir.
Q Were you acquainted with her at the time she was married to John Inlow?
A No sir; I wasn't acquainted with her. I think they married somewhere on Red River at the time of the war.
Q Have you any knowledge as to whether he was dead or not before she married Robert C. Miller?
A That was my understanding. They had separated and then he died up there in the Choctaw Nation.
Q He was dead at the time she married Robert C. Miller?
A Yes sir.
Q Mary E. Miller has always been recognized as a citizen of the Cherokee Nation?
A Yes sir.
Q Was she recognized as such before she married Robert C. Miller?
A Yes sir.
Q Have they continuously lived in the Cherokee Nation since you have known them?
A As far as I know. You see they lived up in the country where I live a good long while and then they moved North and this is the first time I have seen the old man for about 15 years.
Q So far as you know they have always lived in the Cherokee Nation?
A Yes sir.

Robert C. Miller being first duly sworn, testified as follows:

Q What is your name? A Robert C. Miller.
Q What is your age? A 73 or 74.
Q What is your post office address? A Grove.
Q You are the applicant in this case? A Yes sir.
Q You were the husband of Mary E. Miller?
A Yes sir.
Q Have you any positive knowledge, Mr. Miller, as to whether the former husband of Mary E. Miller was dead at the time she was married to you or not?
A Yes sir; Devine brought the news west of Grand River; he lived in Arkansas and he got him to carry the news to John Inlow's brother.

E. C. M.

Cherokee 3008.

Q Mr. Miller, when your wife, Mary E. Lamar, came to this country, was she admitted to citizenship in the Cherokee Nation or was she always recognized as a citizen without being admitted?
A She was always recognized as being a citizen.
Q You don't know whether they ever made application?
A No, I can't tell you.
Q How long were you acquainted with her before you were married?
A I guess a couple of years.
Q Had she been recognized as a citizen of the Cherokee Nation before you married her?
A Yes sir.
Q Mr. Miller, since your marriage to Mary E. Miller, have you and she resided together as husband and wife and continuously lived in the Cherokee Nation?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 11th day of February, 1907.

J. L. Gary
Notary Public.

E.C.M. Cherokee 3008.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert C.Miller as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 19, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Robert C. Miller as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 26, 1901, and at Muskogee, Indian Territory, October 20, 1902, January 28 and February 6, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Robert C. Miller, a white man, was married in accordance with Cherokee law, April 1, 1869 to one, Mary E. Miller, nee Lamar, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation who is identified upon the Cherokee authenticated tribal roll of 1880, Delaware District, No. 1740, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 7474. It is further shown that from the time of said marriage the said Robert C. Miller and Mary E. Miller resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. It is also shows that at the time of her marriage to Robert C. Miller, the said Mary E. Miller was the widow of one John Inlow. Said applicant is identified upon the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128 the said applicant, Robert C. Miller, is entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), to enrollment, as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Cherokee 3068

COPY

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of Robert C. Miller as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.A-11
RA

Cherokee 3008

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Robert C. Miller as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

D. D. Hastings,

Attorney for the Cherokee Nation.

Cherokee 3008

COPY

Muskogee, Indian Territory, February 23, 1907.

Robert C. Miller,

Grove, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.A-10
RA

Cher IW 218

Cher IW 218

F.R.

Cherokee 6461.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Eliza Rose as a citizen by intermarriage of the Cherokee Nation.

FOUR copies with mother's case, ELIZINA ROSS:

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 11, 1900.

In the matter of the application of Andrew E. Ross for the enrollment of himself and his mother, Elizina Ross, as Cherokee citizens, being sworn and examined by Commissioner Needles he testified as follows:

Q What is your full name? A Andrew E. Ross.
Q What is your age? A 28.
Q What is your post-office? A Locust Grove.
Q In what district do you live? A Saline District.
Q Are you a recognized citizen of the Cherokee Nation by blood,
A Yes sir father's
Q What is your father's name? A Oliver Ross.
Q Is he living? A No sir.
Q What is your mother's name? A Anna Ross.
Q Is she living? A Yes sir.
1880 rollpage 660 #966 Andrew Ross Saline Dist native Cher
1896 roll page 1013 #980 Andrew Ross Saline.
Q Do you want to enroll anybody but yourself? A My mother, she isn't able to get here; she is old and feeble; got a terrible cold and not able to come.
Q What is her name? A Elzina Ross.
Q How old is she? A 58.
Q You answer she is unable to come on account of bodily infirmities
A Yes sir; she isn't able to come over the rough road.
1880 roll page 660 #962 as Elizina Ross Saline native Cher
Applicant: My mother is a white woman.
1896 roll page 1035 #32 Elizina Ross Saline Dist.
Q You know whether your mother lived with your father until the time of his death. A Yes sir, she did.
Q She ever married since? A No sir.

Com'r Needles: The name of Elzina Ross, the mother of the applicant, appears upon the authenticated roll of 1880 as Elizina Ross and upon the census rll of 1896 she is also identified; having made satisfactory proof as to her residence, also given satisfactory reasons why she is not able to be here in person, she will be duly listed for enrollment as a Cherokee citizen by intermarriage:
Thanks to Andrew E. Ross, his name appears upon the authenticated roll of 1880 as well as the census roll of 1896; he is duly identified and having made satisfactory proof as to residence, he will be duly listed for enrollment as a Cherokee citizen by blood.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tri es he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this December 12, 1900.

Commissioner.

641

B

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 11 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Elyina Rose, Locust Grove I.T.

District Saline Year 1880 Page 660 No. 962

Citizen by blood ~~[illegible]~~ Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

On 1880 roll as Elyina Rose

[illegible]

[illegible]

[illegible]

Cherokee 6461.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 15, 1902.

In the matter of the application of Elzina Ross for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

Q What is your name? A Elzina Ross.
Q How old are you? A Going on sixty.
Q What is your postoffice? A Locust Grove.
Q Are you a white woman? A Yes sir.
Q Are you on the roll of 1880 as an adopted citizen? A Yes sir.
Q What was the name of your husband in 1880? A Oliver Ross.
Q Is he dead? A Yes sir.
Q When did he die? A He has been dead two years last April 6th.
Q Did you and your husband Oliver live together in the Cherokee Nation from 1880 up until the time he died? A Yes sir.
Q Never were separated were you? A No sir.
Q Of course, you haven't married since he died? A No sir.
Q Have you been living in the Cherokee Nation all the time since 1880? A Yes sir.
Q Oliver Ross was your first husband was he? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E G Rothenberger

Subscribed and sworn to before me this 10th day of November, 1902.

B O Jones
Notary Public.

F.R.

Cherokee 6461.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 15, 1907.

In the matter of the application for the enrollment of ELZINA ROSS as a citizen by intermarriage of the Cherokee Nation.

ANDREW ROSS, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Andrew Ross.
Q What is your age? A 35.
Q What is your post office address? A Locust Grove.
Q Do you know Elzina Ross? A Yes sir.
Q Are you related to her? A Yes sir.
Q What relation? A Son.
Q Is Elzina Ross living at this time? A Yes sir.
Q What is the condition of her health? A It is not very good.
Q She is not able to appear here? A No sir; the trip is too hard for her.
Q Elzina Ross claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, does she? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Does she claim the right to enrollment by virtue of her marriage to a citizen of the Cherokee Nation? A Yes sir.
Q What is the name of the citizen through whom she claims the right to enrollment? A Oliver Ross.
Q Is Oliver Ross living at this time? A No sir.
Q When did he die? A In 1900.
Q When were Elzina and Oliver Ross married? A February 1, 1865.
Q Have you any documentary evidence showing their marriage? A Yes sir.

Witness presents certificate of Jno. N. Cox, Clerk, County Court of Hopkins County, Texas, showing that a marriage license was issued to Oliver Ross and Elzina Goonin January 31, 1865, and that said certificate was returned executed February 1, 1865.

Q Elzina Ross' name before marriage was Goonin, was it? A Yes sir.
Q Do you know when they removed to the Cherokee Nation? A In '66.
Q Upon their return to the Nation to you know whether or not Oliver Ross was readmitted to citizenship? A He was always recognized as a citizen of the Cherokee Nation.
Q Where did he live prior to his marriage? A In the Indian Territory; he was in Texas at the end of the war, but he came back here after the war.
Q Did he serve in the war? A Yes sir.
Q Did Oliver Ross and Elzina Ross reside together as husband and wife, and live in the Cherokee Nation from the time of their removal to the Nation in 1866? A Yes sir.
Q Has Elzina Ross continued to live in the Cherokee Nation since his death? A Yes sir.
Q She has not remarried? A No sir.

Q Is it your understanding that Oliver Ross was not married previous to his marriage to Elzina Ross? A Yes sir, he was married, but his wife was dead.
Q He had been married once before? A Yes sir.
Q Who was his first wife? A Susie Vann.
Q Was his first wife a citizen of the Cherokee Nation? A Yes sir.
Q What is your understanding as to the date of her death? A I dont know the date.
Q But it is your understanding that she died prior to the marriage of Oliver Ross to Elzina Goonin? A Yes sir.
Q Was Elzina Ross married prior to her marriage to Oliver Ross? A No sir.
Q It is your understanding, is it, that from the time of their removal to Indian Territory from Texas in 1866 that they were regarded as husband and wife? A Yes sir.
Q Did Oliver Ross exercise all the rights accorded to citizens by blood of the Cherokee Nation? A Yes sir.
Q Did he ever hold office? A Yes sir.
Q What office? A District Clark, I think.
Q What year? A I dont know.
Q What District? A Saline District.

JOSHUA ROSS, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

Q What is your name? A Joshua Ross.
Q What is your age? A 74.
Q What is your post office address? A Muskogee.
Q Do you appear here today for the purpose of giving testimony relative to the right to enrollment as a citizen by intermarriage of the Cherokee Nation of Elzina Ross? A I do.
Q Are you related to Elzina Ross by marriage? A I am.
Q What is the relationship? A She is the widow of my beother, Oliver Ross.
Q Do you know when Oliver Ross and Elzina Ross were married? A In 1865.
Q Where were they married? A In Texas.
Q When did they remove to the Cherokee Nation? A In 1866.
Q How near were you living to Oliver Ross immediately subsequent to his removal to the Cherokee Nation? A First at Ft. Gibson, and on his way he came to my house and stayed all night.
Q Well, during the next few years? A In the same District awhile.
Q From the time of his removal to the Cherokee Nation in 1866 was Oliver Ross recognized as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know if any steps were taken by him to be readmitted? A No sir, it was not necessary because he had always lived in and been a citizen of the Cherokee Nation, and immediately after the war he came back.
Q The only time, then, he was out of the Cherokee Nation was when he served in the war? A Yes sir.
Q Did Oliver Ross and Elzina Ross reside together as husband and wife, and live continuously in the Cherokee Nation from 1866 until the death of Oliver Ross? A Yes sir.
Q And since that time Elzina Ross has continuously lived in the Cherokee Nation? A Yes sir.
Q Oliver Ross was married prior to his marriage to Elzina Ross, was he? A Yes sir, his wife died; he was married to Susan Vann and she died in 1860 and was buried at Butler's Creek, 10 miles from here.

Q What office in the Cherokee Nation did Oliver Ross hold?
A He was Clerk of the District after the war.
Q Saline District? A Yes sir.
Q What year? A '67, I think it was.
Q No one but recognized citizens by blood of the Cherokee Nation can hold office in the Nation, can they? A Recognized citizens can hold office.
Q Did Oliver and Elzina Ross have any children? A Yes sir.
Q What is the name of the oldest child? A Mary.
Q Do you know in what year she was born? A I dont remember.
Q Is she living at this time? A Yes sir, up near Chelsea.
Q What is her name? A Mary Jones.

JAMES M. BELL, being first duly sworn by Joshua W. Ross, Notary Public, testified as follows:

Q What is your name? A James M. Bell.
Q What is your age? A 74.
Q What is your post office address? A Needmore.
Q Do you appear here today to give testimony relative to the right to enrollment of Elzina Ross as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q How long have you known Elzina Ross? A I dont know her at all.
Q Did you ever know one Oliver Ross in the Cherokee Nation? A Yes.
Q When did you first become acquainted with Oliver Ross?
A I have known him since childhood.
Q When did you first know him? A In the old Nation, in the old country; it was at my father's house, and he was home from school.
Q In about what year was that? A About '37 or '38; along there.
Q When did Oliver Ross come to the Cherokee Nation? A Under the Treaty of 1835.
Q With his parents? A Yes sir.
Q What are the name of his parents? A Andrew Ross, and his mother was a Miss Lowry.
Q When did you come to the Cherokee Nation? A My father brought me here in 1839.
Q Did you live in the same District with Oliver Ross after coming here? A For awhile, in Saline District.
Q When you first knew him in Saline District did Oliver Ross exercise all the rights and privileges of a citizen of the Cherokee Nation? A Yes sir, he was Clerk of the District at one time, if I am not mistaken.
Q You say you know there was never any question about his citizenship?
A No sir.

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Saline District, No. 962, and on the Cherokee census roll of 1896, Saline District, Page 1035, N o. 32.

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Sarah Watere

Subscribed and sworn to before me this 16th day of February, 1907.

Oliver C. Hunter
Notary Public.

Oliver Ross,
453 TO
Elzina Goonin.

BE IT REMEMBERED, That on this 31 day of Janny 1865 the following marriage license was issued, to-wit:

TEXAS, TO-WIT: Hopkins County, ss:

To all who shall see these presents, Greeting:

Know ye, that any person legally authorized to celebrate the rites of matrimony, is hereby licensed to join in marriage as husband and wife, Oliver Ross and Elzina Goonin and for so doing this shall be his sufficient authority.

In testimony whereof, I, Z. G. Matthews, Clerk of the Hopkins County Court, hereunto subscribe my name, and affix the seal of said Court, this 31st day of January, 1865.

Z. G. Matthews.

BE IT REMEMBERED, That on this 10 day of Feby, 1865, the following certificate was filed in my office, to-wit:

TEXAS, TO-WIT: Hopkins County:

This certifies, That I joined in marriage as husband and wife Oliver Ross and Elzina Goonin on the 1st day of Feby, 1865.

Wm Chapman, M. G.

xxxxxxxxxxxxxxxxxxx

THE STATE OF TEXAS,
CIUNTY OF HOPKINS.

I, Jno. N. Cox, Clerk of the County Court in and for Hopkins County, Texas, do hereby certify that the above and foregoing is a true and correct copy of a marriage license issued to Oliver Ross and Eliza Goonin and the certificate of return thereon, as appears of record in Vol. 2 page 222 Marriage License of Hopkins County, Texas. I further certify that I have carefully compared this copy with the original record thereof.

Witness my hand and seal of office at office in Sulphur Springs, Texas, this 28th day of January, A. D. 1907.

Jno N. Cox Clerk County Court,
Hopkins County, Texas.

By J. Mottershed Deputy.

F.R. Cherokee 6461.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elzina Ross as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 11, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Elzina Ross as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 15, 1902, and February 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Elzina Ross was lawfully married in 1865, in the State of Texas to one Oliver Ross who was, at the time fo said marriage, a recognized citizen by blood of the Cherokee Nation and who is identified on the Cherokee authenticated tribal roll of 1880, Saline District, Page 660, No. 961, as a native Cherokee.

It is further shown that the said Oliver Ross and Elzina Ross resided together as husband and wife and continuously lived in the Cherokee Nation from 1866, until the death of said Oliver Ross in 1900; that since the death of her said husband the said Elzina Ross has not remarried and has continued to reside in the Cherokee Nation up to and including September 1, 1902.

The applicant is identified on the Cherokee authenticated tribal roll of 1880, Saline District, Page 660, No. 962, as a native Cherokee. She is also identified on the Cherokee census roll of 1896, as an adopted white citizen of the Cherokee Nation.

The evidence shows that the applicant is a white woman and claims her right to enrollment as a citizen of the Cherokee Nation by virtue of her marriage to said Oliver Ross.

It is considered, therefore, that the enrollment of Elzina Ross as a native Cherokee on the Cherokee authenticated tribal roll of 1880 is an erroneous classification.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs the United States, Nos. 125, 126, 127 and 128, that the applicant herein, Elzina Ross, is entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and her application for enrollment as such

is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 21 1907.

Cherokee 6451

Muskogee, Indian Territory, February 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Elaine Ross as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.N-59
JMH

Commissioner.

Cherokee 6461

Muskogee, Indian Territory, February 21, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Elzina Ross as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Nauheim

Attorney for Cherokee Nation.

Cherokee 6461

Muskogee, Indian Territory, February 21, 1907.

Elaina Ross,

Locust Grove, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.H-60
JMH

EMPTY

Cher IW 220

Cher IW 220

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of

LUCINDA WELCH

As a citizen by intermarriage of the Cherokee Nation

Cherokee 10030.

Dy 63

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 1 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I T., SEPTEMBER 27, 1900.

In the matter of the application of John Cobb Welch for the enrollment of his mother, Lucinda Welch, as a citizen of the Cherokee Nation; said Welch being sworn by Commissioner T. B. Needles, testified as follows:

Q What is the name of your mother? A Lucinda Welch.
Q How old is your mother? A 75, too old and infirm to come here.
Q What is her post office address? A Grove.
Q Is she full blood Cherokee? A No, sir.
Q What degree of blood has she? A She is a white woman.
Q What is the reason she is not here? A She is too old and feeble to come.
Q What is her name? A Lucinda Welch.

1880 enrollment; page 338, #2949, Lucinda Welch, Delaware.
1896 enrollment; page 593, #558, Lucinda Welch, Delaware.

Q Is your father living? A No, sir, he has been dead 14 years.

Com'r Needles:--Upon examination of the records of the Dawes Commission it is found that the said Lucinda Welch made application to said Commission in the year 1896, in case No. 4436, for enrollment as a citizen of the Cherokee Nation, and the record shows that said application was denied. No appeal was taken. The facts in the case are that the said Lucinda Welch's name appears upon the authenticated roll of 1880 as an intermarried white, and she has lived in the Cherokee Nation ever since the year 1867, and is now 75 years of age. Her name also appears, as stated, upon the records of the Dawes Commission as having applied, as stated above, and having been denied; consequently final judgment as to the application of the said Lucinda Welch will be suspended and her name will be placed upon a doubtful card

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 1st day of October, 1900.

T B Needles

Commissioner.

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1900

Acting Chairman

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 27 1900 1900.

Name Dave D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Luenda Welch

District DELAWARE. Year 1880 Page 338 No 7949

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Rolls

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 17, 190..

In the matter of the enrollment of Dorinda Welch.

SUPPLEMENTARY TESTIMONY

Witness, J. C. Welch, being sworn and examined by Corn Patmer T.B. Hadley, testified as follows:

Q What is your name? A J. C. Welch.
Q What is your age? A I will be 51 years old.
Q You know Dorinda Welch? A Yes sir. She is my sister.
Q What is your post-office address?
Q What statement do you desire to make now in regard to her enrollment? A All the statement I have to make is that she wasn't able to appear in person. She is too old and crippled up and cannot come.

By W. W. Hastings, representative of the Cherokee Nation-
Q Did she apply to the Dawes Commission in 1898? A She says she didn't, and didn't know anything about it.
Q She is too old to come and make that statement to the Commission?
A Yes sir; she is crippled up and couldn't come here herself.
Q With whom was she living in 1898; four years ago? A She was living by herself. Her brothers were staying there with her.
Q You know whether she authorized anyone to make an application for her? A I don't think so; I don't know anything about it myself.
Q What did she say about it? A She said she didn't authorize anybody to.
Q Did she know anything about it? A She says she didn't.
Q Was her first knowledge of it after you had told her after you went back to Vinita? A That was the first she knew.
Q You went back and advised her of it? A She didn't know anything about it, and I told her her name appears on that roll, and she said she didn't know anything about it.
Q Did some of your, or her relatives, living up there near there make an application? A Yes sir. Her brothers. She had three brothers living there.
Q What do they say about this - what explanation they make? A They all deny it, never could find out. They all deny it as all I know. I don't know anything about it. I have an idea that old Uncle Johnny Parker and Harvey Hampton sent them in, but I don't

D-455.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 17, 1900.

In the matter of the enrollment of Lucinda Welch.

SUPPLEMENTARY TESTIMONY

Witness, J. C. Welch, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A J. C. Welch.
Q What is your age? A I will be 51 years old.
Q You know Lucinda Welch? A Yes sir, she is my mother.
Q What is your postoffice? A Grove.
Q What statement do you desire to make now in regard to her enrollment? A All the statement I have to make is that she wasn't able to appear in person. She is too old and crippled up and cannot come.

By W. W. Hastings, representative of the Cherokee Nation-
Q Did she apply to the Dawes Commission in 1896? A She says she didn't, and didn't know anything about it.
Q She is too old to come and make that statement to the Commission? A Yes sir; she is crippled up and couldn't come here herself.
Q With whom was she living in 1896; four years ago? A She was living by herself. Her brothers were staying there with her.
Q You know whether she authorized anyone to make an application for her? A I don't think so; I don't know anything about it myself.
Q What did she say about it? A She said she didn't authorize anybody to.
Q Did she know anything about it? A She said she didn't.
Q Was her first knowledge of it after you had told her after you went back to Vinita? A That was the first she knew.
Q You went back and advised her of it? A She didn't know anything about it, and I told her her name appears on that roll, and she said she didn't know anything about it.
Q Did some of yours, or her relatives, living up near there, make an application? A Yes sir, her brothers. She had three brothers living there.
Q What do they say about this - what explanationdo they make? A They all deny it, never could find out. They all deny it is all I know. I don't know anything about it. I have an idea that old Uncle Johnny Parker and Harvey Hampton sent them in, but I don't know.

Commissioner Needles-
Q Your mother claims citizenship as an intermarried citizen? A Yes sir.
Q Her husband's dead? A Yes sir.
Q Has she ever married since? A No sir.
Q Your father was an Indian by blood? A Yes sir.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the supplementary testimony in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 10th day of January, 1901.

Commissioner.

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D 456

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 27, 1902,

In the matter of the application of Lucinda Welch, for the enrollment of herself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter February 11, 1902, that her application for the enrollment of herself as a citizen of the Cherokee Nation, would be taken up for final consideration by the Commission on the 27th day of February, 1902, and that she could on said date appear before the Commission either in person or by attorney, and an opportunity would be given her to introduce any further testimony affecting her application.
Receipt has been acknowledged of the Commission's letter.

Mr. Hastings, of counsel for the Cherokee Nation: The representatives of the Cherokee Nation desire to call attention to the affidavit made by her before J. C. Starr, Notary Public, filed in the original application before the Dawes Commission in 1896, she having introduced some testimony tending to show that she did not apply, or know of any application being made for her, and this reference is made for the purpose of calling attention of the Commission to the fact that she must have known of this application being made in her behalf, or else she would not have made the affidavit referred to.

The Commission: The applicant having this day, to-wit: the 27th day of February, 1902, been called three times, and failing to respond either in person or by attorney, it is ordered that this case be closed, and that the same be reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this February 28, 1902.

Commissioner.

Cherokee D-455.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 25, 1902.

In the matter of the application of Lucinda Welch for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation: -

J.C.Starr, being sworn and examined by the Commission, testified as follows:

Q What is your name? A J. C. Starr.
Q How old are you? A 52.
Q What is your postoffice? A Vinita.
Q Are you one of the representatives of the Cherokee Nation? A Yes sir.
Q Are you acquainted with Lucinda Welch, the applicant in this case? A I am.
Q Where does she live? A She lives near Grove, I. T.
Q How long have you known her? A Since 1880.
Q Where has she lived since you have known her? A Near Grove, I. T., the same place where she is living now.
Q Has she lived there continuously from 1880 up until the present time? A Yes sir.
Q She has never lived out of the territory or Cherokee Nation since you have known her in 1880? A No sir, right where she is living now ever since I have known her. She is very feeble and unable to come before the Commission.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 3rd day of October, 1902.

B. O. Jones
Notary Public.

Cherokee D 455.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 18, 1902.

In the matter of the application of Lucinda Welch for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental Proceedings.

J. C. STARR, being sworn, testified as follows:

By the Commission,

Q Your name, age and postoffice? A J. C. Starr, thirty-two, Vinita.
Q You are one of the representatives of the Cherokee Nation?
A Yes, sir.
Q And a Cherokee by blood? A Yes, sir.
Q How much blood have you got in you? A I don't know about that.
Q Are you acquainted with Lucinda Welch, who was an applicant before the Commission for enrollment as an intermarried citizen?
A Yes, sir.
Q How long had you known her? A I have known her since along about 1880, and it may be a year before that. I moved to the vicinity where she lived in '79, and I lived neighbors to her since until two years ago.
Q What is her physical condition at this time? A She is very old and unable to go anywhere.
Q What was her husband's name? A James Welch.
Q Were they married prior to 1880? A Why, I suppose they were. They were living together as husband and wife when I knew them.
Q They are both on the '80 roll as husband and wife? A Yes, sir.
Q Did she live with her husband, James Welch, up to 1880?
A Yes, sir.
Q How long has James Welch been dead? A James Welch has been dead for several years -- ten years or more -- I don't remember just exactly when he died.
Q Has Lucinda Welch married since her husband's death? A She has not.
Q She was still a widow and single on the first day of September, 1902? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and correct transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 18 day of October, 1902.

C. R. Kutz
Notary Public.

Cherokee D-455.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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In the matter of the application for the enrollment of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation.
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D E C I S I O N.

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The record in this case shows that on September 27, 1900, John Cobb Welch appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of his mother, Lucinda Welch, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on December 17, 1900, and again at Muskogee, Indian Territory, on September 12, 1902, and October 10, 1902.

The evidence shows that the said Lucinda Welch, a white woman, was married prior to 1880 to one James Welch, a native Cherokee, who is identified on the 1880 Authenticated Roll of the Cherokee Nation. Lucinda Welch is also identified on said roll. Her said husband had been dead about ten years when this application was made, and she had not remarried since his death up to and including September 1, 1902. The evidence further shows that this applicant has resided continuously in the Cherokee Nation since her marriage prior to 1880 up to and including September 1, 1902.

From the records of the Commission, it appears that the applicant filed her original petition, under the Act of Congress of June 10, 1896, (29 Stats., 321) with the Commission to the Five Civilized Tribes for admission as a citizen by blood of the Cherokee Nation, which was denied by the Commission, and no appeal was taken therefrom.

It is the opinion of this Commission that the applicant's right to enrollment as an intermarried Cherokee is not prejudiced by the denial of her application for admission as a citizen by blood under the provisions of the said Act of June 10, 1896, (29 Stats., 321); and that the said Lucinda Welch should, therefore, be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this DEC 10 1902

E C M

Cherokee 10030.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
February 9, 1907.

In the matter of the application for the enrollment of LUCINDA WELCH as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Applicant represented by Mollie Henson, Grand-daughter.

Cherokee Nation represented by W.W.Hastings, Attorney.

MOLLIE HENSON, being first duly sworn by Walter W. Chappell, a Notary Public, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name?
A Mollie E. Henson.
Q What is your age?
A 32 years old.
Q What is your post-office address?
A Grove, Indian Territory.
Q Where do you live?
A At Grove.
Q How long have you lived there?
A I have lived in Grove and near Grove all my life.
Q You come here for the purpose of giving testimony in the matter of the application for the enrollment of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What relation are you to Lucinda Welch?
A I'm her grand-daughter.
Q Is Lucinda Welch living at this time?
A No sir.
Q When did she die?
A She died the 18th day of March in 1905.
Q Through whom does she claim her right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A James Welch, her husband.
Q Is James Welch a Cherokee by blood?
A Yes sir.
Q Has he always lived in the Cherokee Nation?
A No sir, he came to the Cherokee Nation in 1867, according to what I have heard them say.
Q How do you account for his coming here in 1867?

A The only way I have to account for it is what I heard my grand-

mother say: She said that her nephew died at their house the year they came here, and I have the date of his death.

Q What was the name of this nephew?
A Markes Powell.

The witness presents in evidence a testament containing the statement that Markes Powell died August, 12, 1867.

Q Was your grand-father admitted to citizenship before their removal to the Cherokee Nation?
A I do not know.
Q Do you know whether he has always been recognized as a citizen of the Cherokee Nation.
A Yes sir, I think he has.
Q Can you remember your grand-father prior to November 1, 1875?
A No sir.
Q How many wives has your grand-father had?
A One.
Q Had your grand-mother been married more than once?
A No sir.
Q She was his first wife and he was her first husband?
A Yes sir.
Q Do you know what District your grand-father lived in when he first came to this country?
A Flint District.
Q After that what District did he live in?
A He did'nt live in any except the Delaware that I ever knew.
Q Is your grand-father on the 1880 roll?
A Yes sir.

The applicant, Lucinda Welch is identified on the 1880 roll, Delaware District No.2949, as an adopted white. The husband of the applicant, James Welch, is also identified on the 1880 roll, Delaware District No.2948, as a native Cherokee.

Q How many children did your grand-father and grand-mother have?
A Three.
Q What were their names?
A Jonathan Housten Welch, John Cobb Welch, (that's my father), and Cornelia Welch.
Q Which one of these was your father?
A John Cobb Welch.
Q Is he living at this time?
A Yes sir.
Q Is he able to appear before the Commission and give testimony in this case?
A Yes sir.
Q Where were James Welch and Lucinda Welch married?
A They were married in the Old Country, I don't know now if it was North Carolina or Georgia.
Q They were married before they came here?
A Yes sir.
Q Do you know whether James Welch exercised all the rights of citizenship in the Cherokee Nation prior to his death?
A Yes sir, he did.
Q What did he do? Did he vote?
A He voted and run for office and drew money, and he owned land, or held land the same as all other Cherokees did.

Q Was your father enrolled as a Cherokee by blood?
A Yes sir.
Q Have you been enrolled as a Cherokee by blood?
A Yes sir.
Q Do you know of any one who could come here and testify as to the marriage of your grand-father, how long he lived in the Cherokee Nation, whether he was regarded as a citizen of the Cherokee Nation and whether he was ever admitted to citizenship in the Cherokee Nation?
A I don't know, I suppose my father could testify to part of that.
Q Was your father born in this Nation?
A No sir.
Q How old was your father when he came to this country?
A I think he was 19 years old.
Q Do you think he could remember whether your grand-father had ever been admitted to citizenship or not?
A He might remember, I can't say.
Q Why does'nt he appear here today?
A Well, I was appointed executor of her will and I suppose he thought I had the right to do it.

TO THE WITNESS:
It will be necessary that you have your father appear here and give testimony relative to the facts in this case, and also the testimony of other witnesses who have known your grand-father since his arrival in the Cherokee Nation. This is very inportant and you are requested to have them appear here at the earliest possible time.

Q Do you care to make any further statement in this case?
A I wanted to say that I 'phoned one of the great-uncles and one of my grand-mother's first cousins, but they won't be here till to-morrow.

(Witness excused)

Case held open for further testimony.

February 8, 1907, 2 - P.M.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of LUCINDA WELCH as a citizen by intermarriage of the Cherokee Nation.

AUGUSTUS C. SAGER, being first duly sworn by Walter W.Chapell, a Notary Public, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name?
A Augustus C. Sager.
Q What is your age?

A 71 years.
Q What is your post-office address?
A Grove, Indian Territory.

Q You appear here for the purpose of giving testimony relative to the right of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Were you acquainted with Lucinda Welch?
A Yes sir.
Q With her husband, James Welch?
A Yes sir.
Q Are they living now?
A No sir.
Q Both dead?
A Yes sir.
Q How long have you known James Welch and Lucinda Welch?
A I got acquainted with them in '71.
Q Where were they living at that time?
A Near Grove in the Delaware District.
Q Was James Welch a citizen of the Cherokee Nation?
A I suppose he was, every body said he was.
Q Did he exercise the rights of a citizen?
A Yes sir.
Q Was he regarded as a citizen at the time you knew him in 1871?
A Yes sir.
Q Did he hold any office?
A No sir.
Q Did he vote?
A Yes sir.
Q Did he own land in the Cherokee Nation?
A Yes sir.
Q He owned it as a citizen of the Cherokee Nation?
A Yes sir.
Q Was he born in the Cherokee Nation?
A No sir, I think not.
Q Where was he born?
A I could'nt tell you.
Q Do you know when he came to the Cherokee Nation?
A Not exactly.
Q Was he admitted to citizenship in the Cherokee Nation before his coming here?
A Yes sir.
Q Do you know what Court admitted him to citizenship?
A The Court at Tahlequah. He got in before the Council I reckon.
Q You are sure he has been a citizen and was admitted before 1875?
A Yes sir.
Q Had James Welch and Lucinda Welch resided together as husband and wife and continuously lived in the Cherokee Nation until the death of James Welch?
A Yes sir.
Q Since the death of James Welch has Lucinda Welch re-married?
A No sir.
Q She remained as a widow until her death?
A Yes sir.
Q Did you know Lucinda Welch before she was married to James Welch?
A No sir.
Q She was a white woman, was she?
A I suppose so, that's what they claim.
Q Did you know the Indian Name of James Welch?
A No sir.
Q He went by an Indian name sometimes did'nt he?

A Yes sir, but I forget what it was.
Q Was it Oe - Ka - Mah, the name he went by?
A Yes sir, with the Indians.
Q Did they have any children?
A Yes sir.
Q How many?
A I reckon there was three.
Q Mr. Sager, are you a Cherokee by blood?
A No sir.
Q You claim as a citizen by intermarriage?
A Yes sir.
Q You never heard any one question the right of James Welch as a citizen of the Cherokee Nation, did you?
A No sir.
Q Had his right as a citizen been questioned you would have heard of it, would'nt you?
A Yes sir.

(Witness excused)

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause and that the above and foregoing is a full and correct transcript of her stenographic notes therein.

George Darly
Stenographer.

Subscribed and sworn to before me this 9th day of February, 1907.

Frances A Rose
Notary Public.

E.C.N. Cherokee 10030.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 9, 1907.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of LUCINDA WELCH as a citizen by intermarriage of the Cherokee Nation.

JOHN COBB WELCH, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A John Cobb Welch.
Q What is your age? A 56.
Q What is your post office address? A Grove.
Q Are you the son of Lucinda Welch? A Yes sir, I was born in '49.
Q Do you appear here today for the purpose of giving testimony relative to the right to enrollment as a citizen by intermarriage of the Cherokee Nation of Lucinda Welch? A Yes sir.
Q Where were you born? A In North Carolina.
Q When did you come to this country? A In '67.
Q Did you come with your father and mother? A Yes sir.
Q Did you come when they did? A Yes sir.
Q Do you remember whether or not your father was admitted to citizenship upon his coming to this country? A That was my understanding. You see, we came here on an invitation, and my father and Mack Morris went to Tahlequah, and it is my understanding that they were readmitted, because they come here on the invitation of the Chief.
Q Then they were admitted shortly after coming to this country, were they? A In the fall of '67, to the best of my recollection
Q Was your father always recognized as a citizen of the Cherokee Nation? A Always as an Indian, but not of this Nation, because he was not here until 1867.
Q Was he regarded as a citizen of this Nation after coming here? A Yes sir.
Q Did he exercise all the rights and privileges of a citizen? A Yes sir.
Q Did he ever hold any office in the Cherokee Nation? A No sir; they run him several times, but he got beat.
Q Your father and mother of course were married in North Carolina. Did they reside together as husband and wife until the time of his death? A Yes sir.
Q After his death did your mother ever remarry? A No sir.
Q When did your father die? A I have forgotten.
Q About how many years has he been dead? A His death is down in the Bible, but I have forgotten.
Q Did you ever know anyone by the name of Arkansas Welch? A I knew a Welch woman that came to our house where we lived in Flint , and claimed to be kin of ours.
Q Did you know G. W. Welch? A No sir.
Q James M. Welch? A No sir.
Q Was your father's name James M. or just James? A James Welch.
Q Were you ever acquainted with any one by the name of L.R.Welch? A Now, there was some Welch's on the river, but I dont know their names.

Q Do you know of any Nelahowe comefrom North Carolina and were committed to citizenship in the year 1876?
A John Welch, but I dont know whether he was comitted or not, but he was a citizen here, and lived with here.
Q But you can testify positively that your father, from the time of his coming here until his death exercised all the rights and privileges of a citizen of the Cherokee Nation? A He got drawed money after he come to this country of all money that was ever paid.
Q He was enrolled on the 1867 roll, was he? A I might remember whether they were taking the census or not then, but in 1868 or 1869, maybe in 1870, they taken the census in Flint, and Eph Adair and Huckleberry Downing taken the census.
Q He went under an Indian name, did he not? A Yes sir.
Q Can you spell it? A It was Chi-my-no-ga-ma.

(Witness excused).

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Sarah Waters

Subscribed and sworn to before me this 13th day of February, 1907.

Frances Rhoades
Notary Public.

E. C. M.

Cherokee 10030.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 9, 1907.

In the matter of the application for the enrollment of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings, Attorney.

SUPPLEMENTAL.

H. H. Hampton being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A H. H. Hampton.
Q What is your age? A 80 years the 12th of April.
Q What is your post office address? A Grove.
Q Are you a citizen of the Cherokee Nation?
A No sir.
Q Are you acquainted with the applicant in this case, Lucinda Welch?
A Yes sir.
Q Were you acquainted with her husband, James Welch?
A Yes sir.
Q When did you first get acquainted with James Welch?
A Him and me was boys together and went to school together.
Q Where did he live at that time?
A Cherokee County, North Carolina.
Q He removed to the Cherokee Nation, did he?
A Yes sir.
Q When did he come? A About '67 I think.
Q Did you come here at the same time?
A No sir; he came before I did.
Q Was he admitted to citizenship in the Cherokee Nation on his coming to the Cherokee Nation?
A I suppose he was. He drew money here and was enrolled here and run for office.
Q When was hhat he ran for office?
A I don't know what year it was.
Q About how long ago?
A '75 or '76; somewhere along there.
Q You don't remember whether he was admitted to citizenship or not, do you?
A I suppose he was; he drew money.
Q But you have no positive knowledge of his being admitted?
A Nothing only what I got from his own mouth.
Q Did you live in the same community that he did?
A Yes sir.
Q Do you remember when he was married to Lucinda Welch?
A Yes sir; I don't know whether I can give the date; right; about '46 or '47.
Q They were married in Cherokee County, North Carolina, were they?
A There was no marriage among the Indians at that time; if a white man married an Indian woman or an Indian man married a white lady, they had to take them to Georgia to get married.

Welch took Lucinda Welch, his wife, and went over into Georgia and was married and came back.
Q Was Lucinda Welch a white woman? A Yes sir.
Q And James Welch a Cherokee Indian? A Yes sir.
Q Did he bring her to the Cherokee Nation with him?
A Yes sir.
Q They resided together as husband and wife in the Cherokee Nation from their removal here until the time of his death?
A Yes sir.
Q Were any children born of that marriage? A Yes sir.
Q Can you give me the names of the children?
A Yes sir; Bud, Cobb and Cornelia.
Q Are they living now? A There is one of them living.
Q Which one? A Cobb, the father of this lady here.

J. P. Parker being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A J. P. Parker.
Q What is your age? A 70 years old the 18th of next April.
Q What is your post office address?
A Grove, Indian Territory.
Q Mr. Parker, were you acquainted with James Welch and his wife, Lucinda Welch?
A Yes sir.
Q When did you first become acquainted with them?
A Lucinda Welch is my sister.
Q When did you first become acquainted with James Welch?
A I can remember him ever since I was old enough to remember. We were raised within a mile of each other.
Q Where were you living at that time?
A Cherokee County, North Carolina.
Q How long did you live there? A Until I was grown.
Q Then where did you go? A I went to Georgia.
Q From there where did you go? A I came here.
Q When did you come here?
A My first trip was in 1886; and I went back to Georgia and came back in 1893 and have been here ever since.
Q Mr. Parker, when was your sister, Lucinda, and James Welch married.
A I don't know that I can give the precise date; it was in the 1840's.
Q Do you remember about what time they came to the Cherokee Nation?
A Yes sir; 1867.
Q Have they resided in the Cherokee Nation since their removal here?
A Yes sir.
Q Mr. Parker, I will ask you if you are acquainted with a man by the name of George Welch?
A No, I can't say that I am.
Q Do you know a man or woman by the name of Arkansas Welch?
A No sir.
Q Do you know what James Welch's middle name was?

A I don't think he had any.
Q Did you know a man by the name of Thomas Welch?
A No sir.
Q What is Lucinda Welch's middle name?
A She had none; if she had I don't remember it.

H. H. Hampton, re-called, testified as follows:

ON BEHALF OF COMMISSIONER.

Q Do you know what Lucinda Welch's middle name was?
A I don't think she had any.
Q Did you ever know anyone by the name of L. E. Welch?
A No sir.
Q Did you know a man by the name of George Welch?
A There was a man back in the old Nation they called George Welch.
Q Did you ever know anybody by the name of Thomas I. Welch ?
A No sir.
Q Did you ever know a man or woman by the name of Arkansas Welch?
A No sir.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 13th day of February, 1907.

Walter W. Chappell
Notary Public.

F. R. Cherokee 10030.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 27, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, December 17, 1900, and at Muskogee, Indian Territory, February 27, 1902, September 25, 1902, October 10, 1902, February 8, 1907, and February 9, 1907. It further appears that on December 10, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, granting the application of Lucinda Welch for enrollment as a citizen by intermarriage of the Cherokee Nation.

THE RECORDS OF THIS OFFICE SHOW: That the applicant herein, Lucinda Welch, a white woman, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, Page 338, No. 2949, and on the Cherokee census roll of 1896, Delaware District, Page 593, No. 558, was married in about the year 1846 in the State of Georgia to one James Welch who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, Page 338, No. 2948, as a native Cherokee. It further appears that in the year 1867, the said James Welch and Lucinda Welch removed to the Cherokee Nation and resided together as husband and wife, and continuously lived in said Nation until the death of James Welch in 1886; that since the death of James Welch, the applicant herein, Lucinda Welch, has not remarried and has continuously lived in the Cherokee Nation up to and including September 1, 1902.

The evidence does not show the date of admission of James Welch to citizenship in the Cherokee Nation.

Mollie Henson testified on February 8, 1907, that it was her understanding that James Welch exercised all the rights of a citizen of the Cherokee Nation, that he drew money, voted in the elections and held land the same as other citizens.

The same date, Augustus C. Sager testified that James Welch, when he first became acquainted with him in 1871, was regarded as a citizen of the Cherokee Nation.

John Cobb Welch on the same date testified that it was his understanding that James Welch was admitted to citizenship in the Cherokee Nation in the year 1867 and had thereafter been recognized as a citizen of such Nation and enjoyed the same rights and privileges accorded other citizens.

I am therefore of the opinion that it is shown by a preponderance of the evidence that the said James Welch was admitted to citizenship in the Cherokee Nation prior to November 1, 1875.

In view of the foregoing, it is considered that the applicant, Lucinda Welch, was lawfully married to a citizen by blood of the Cherokee Nation, prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision of the Commission to the Five Civilized Tribes dated December 10, 1902, granting the application of Lucinda Welch for enrollment as a citizen by intermarriage of the Cherokee Nation, should be affirmed; and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Lucinda Welch, is entitled under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 2. 19[illegible].

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1900.

Acting Chairman

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BEST AVAILABLE COPY

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1900

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 8 1900

ACTING CHAIRMAN

Vinita I. T. October 6th 1900.

Mr. W. W. Hastings,

Bartlesville, I. T.

Dear Sir:

Plese read the inclosed letter and it might be that this old lady needs some help iffacts are as stated. I was present when her application was made and I knew that an application had been made for her to the Dawes Commission in 1896. Her name is Lucinda Welch and she is the mother of Cobb Welch at Grove and is 75 years old and to reject her would rob her of house and home.

If you will get her card and testimony you will understand the case I am satisfied that Old Mary Hampton and Dock Parker at Grove put in her application in 1896 to the Dawes Commission to help themselves out and it may be true that she did not know anything about it (The chances are that she did know about it however.) You might look the matter up at any rate and see what you want to do with her case. She is an intermarried white hermane is on 1880 roll and she has lived here ever since this country was a Nation practically and it looks rather hard to up set her in her old days.

I will be out there Thurdday morning and if you need me before that time wire me and I will be there on first train.

Yours truly,

J O Starr

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 18 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902

Mrs. Lucinda Welch,

Grove, Indian Territory,

Madam:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 27th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

CherokeeD-455

Yours truly,

Regis ter.

Acting Chairman.

COPY

Cherokee D-[illegible].

Muskogee, Indian Territory, December 10, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting the application of John Cobb Welch for the enrollment of his mother, Lucinda Welch, as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. N-235.

[redacted]

Muskogee, Indian Territory, [redacted]

John Webb Welsh,

Grove, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 10, 1902, granting your application for the enrollment of your mother, Lucinda Welsh, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Acting Chairman.

Enc. M-55

Register.

Cherokee
10030

Muskogee, Indian Territory, January 22, 1907

Mollie E. Henson,

Executrix of Estate of Lucinda Welch.

Grove, Indian Territory.

Dear Madam :

This office is in receipt of your letter of January 10, 1907, referring to the right to enrollment as a citizen by intermarriage of the Cherokee Nation of Lucinda Welch, deceased.

In reply you are advised that the Supreme Court of the United States, by its decision of November 5, 1906, held that white persons who intermarried according to Cherokee law with Cherokee citizens, prior to November 1, 1875, are entitled to enrollment as citizens by intermarriage of the Cherokee Nation.

If you claim that Lucinda Welch, deceased, is entitled to enrollment under the Court's decision, you will be permitted to appear before the Commissioner at Muskogee Indian Territory, at once, and submit such testimony as

M. N. N.-2

you desire relative to her marriage to her Cherokee husband by reason of her marriage to whom she claimed the right to enrollment as a citizen by intermarriage of the Cherokee Nation, and as to the date of her marriage.

The Act of Congress approved April 26, 1906, provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation, after March 4, 1907, and the matter of her enrollment should, therefore, receive immediate attention.

Respectfully,

L M B

Commissioner

Cherokee
10030

Muskogee, Indian Territory, February 11, 1907

Mollie Henson,

Grove, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of January 28, 1907, in which you state that you will appear before the Commissioner and submit evidence in the matter of the application of Lucinda Welsh for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are advised that the Act of Congress approved April 26, 1906 (34 Stat. 137), provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907. This matter therefore demands your immediate attention.

Respectfully,

L M B

Commissioner

COPY

Cherokee 10330

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of Lucinda Welch as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl. B-87
BLM

Cherokee 10030

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision, enrolling Lucinda Welch as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

J. J. Hastings

Attorney for the Cherokee Nation.

Cherokee 10030 COPY

Muskogee, Indian Territory, February 23, 1907.

Lucinda Welch,

Grove, Indian Territory.

Madam:-

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl. B-86
MLR

Cher IW 221

Cher IW 221

Cherokee
I.W.221

Muskogee, Indian Territory, April 16, 1907.

Miles C. Jones,

Dewey, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Commissioner.

Encl.W-13.
S.W.

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Cher IW 222

Cher IW 222

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 3, 1900.

In the matter of the application of James Duncan for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A James Duncan.
Q How old are you? A I don't know, recollect exactly, I think I am going on 59.
Q What is your post-office? A Afton.
Q What district do you live in? A Delaware.
Q Who is it you want to put on the roll? A Just myself.
Q Are you a Cherokee by blood? A No sir.
Q You are a white man? A Yes sir.
Q Where is your marriage license? A (Produces papers)
Q When were you married, in 1868? A Yes sir.
Q To whom were you married? A Married to Tempy Ann Schrimpsher.
Q Is she living still? A No sir.
Q When did she die? A In 1880 I think.
Q Did you live with her from the time you married her until she died? A No sir.
Q When did you separate from her? A In 1871.
Q When did you marry again? A In 1884.
Q Are you on the roll of 1880? A I don't know; I don't think I am though, I wasn't here when the roll of 1880 was taken.
Q To whom did you marry that time? A I married Sarah Miller.
Q Miller was her maiden name? A Yes sir.
Q And before she married you she was a Copeland? A Yes sir.
Q Is she living with you as your wife? A Yes sir.
Q Is she living now? A She was out here and enrolled the other day.
Q How old is she now? A She is going on 60 I think. 50 or 60.
Q Have you got a certificate of your marriage to her? A I have just got a little certified certificate. (Produces papers)
Q This is just a sort of certificate made out here afterwards? A Yes sir, I never got no certific te from him at the time I got married.
Q Did you get a divorce from your first wife? A No sir.
Q Did you leave her or did she leave you? A She left me and took another man and had a child by him.
Q And you were not married between the time she left you and the time you married your present wife, Sarah? A Yes sir.
Q Have you lived with your wife Sarah ever since your marriage to her in 1884? A Yes sir.
Q Where did you live from the time you left your first wife until your marriage to your last wife? A I liven on the place I am living now while I was in the Nation here.
Q Where did you live? A I got into some trouble, them fellows robbing me of my houses, and I was sent to the house of correction at Detroit, at the house of correction.
Q The people robbed you and you were sent to prison? A Yes sir.
Q What became of the people that did the robbing? A They was shot down up here on Caney.

Q Where did you live between 1871 and 1884? A Right at home where I am living now, in Delaware District, on Horse Creek 6 miles east of Afton.
Q Do you mean to tell me that you were sent to prison because some one robbed you of your horses? A Yes sir, there was 16 of us went to arrest them and because we went to arrest them without a warrent Judge Parler assigned it a violation of the law, it was sixty miles to Ft. Smith and there was sixteen of us went to a arrest them and they fought.
Q Then you were sent to prison for shooting a man? A I was sent there for trying to arrest them.
Q Is was for the assualt, not for the horse stealing? A Yes sir assault.
Q Were you in prison in 1880? A Yes sir.
Q In what year was it you got into trouble about the assault? A 1874.
Q How long did you stay in prison? A I staid there five years and five months, and a half; there was three cases.
Q Then when you got out you came right back here? A Right home.
1880 roll for wife, page 242 #680 Sarah Copeland, Delaware Dist, native Cherokee, 39 years old.
1880 roll for applicant; page 369 #134 James Duncan Delaware Dist.
1896 roll for wife, page 461 #892 Sarah Duncan, Delaware District native Cherokee.
Com'r: The applicant presents license issued by the Clerk of Delaware District on the 6th day of February 1868, authorizing his marriage to Temap Sehrimpsher a Cherokee citizen; and the certificate indorsed thereon shows that they were married on the 29th of the same month, 1868; this is filed herewith.

Examined by Cherokee Rep've Baugh:

Q How long after your marriage to your first wife before you separated from her? A I married in 1868 and we separated in 1871.
Q What was the cause of that separation? A I went to Ft. Smith at the time of court and was gone about four weeks and when I came back back she had took another mand and had a child by him, and the child is on the roll.
Q Had a child in four weeks? A She lived with him and had a child by him.
Q Was there any other cause for that separation besides that? A No sir.
Q Had you and she alsways lived tofether as mand and wife up to that time? A Yes sir. We had never had not trouble. before I got my license and married she went off and left me once, before; we married in 1865.
Q Did you alsays treat her as man and wife? A Yes sir, as nearas I was able. I kept her plenty to eat.
Q She neber lived with you after you can back from Ft. Smith? A No Sir.
Q Why didn't you procure a divorce from her after you came back? A After this first one left me she went and took up with another man and lived with him awhile and then she finally married a man named George Sutherlin.
Q Why didn't you procure a divorce? A I wanted to give her a divorce once and the cleark told me it wasn't necessary.
Q: Why wasnyou going to give her a divorce, why didn't you sue her yourself? A I never married no more until after she died, and I married this wife.
The clerk told me I didn't need it; she had married a mannamed Sutherlin
1880 roll page 181 #2806 Tempy Southerland, Coowescoowee Dist.

Com'r Breckinridge: The applicant is shown to have married a Cherokee woman in 1868; he states that they separated in 1871, and he did not marry again that time until his present marriage, which was consummated in 1884; he is not on the roll of 1880, which he states is due to his being imprisoned at that time, arising from an attempt to arrest certain horse thieves; he never procured a divorce from the first wife, but states that he did not marry a second time until after her death; he is identified on the roll of 1896, and his present wife is identified on the rolls of 1880 and 1896; his first wife is identified under the name of the man who the applicant says married her after she left him on the roll 1880.

For the further consideration of the evidence in this case, this application will at present be placed upon a doubtful card the applicant being classed as a Cherokee by intermarriage.

M.D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is atrue and complete transcrip of his stenographic notes thereof.

M.D. Green.

Subscribed and sworn to before me this 4 day of October 1900.

C. R. Breckinridge.

Commissioner.

P074

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 8 1900

ACTING CHAIRMAN.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 3 1900 1900.

Name James Duncan Colton Jr.

District DELAWARE. Year 1871 Page 569 No. 134

Citizen by blood yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage (1867) (1884)

License Certificate

~~Wife's name Sarah Duncan~~

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Filed OCT 1900 Certificate Filed OCT 1900

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Marriage license and cert. attached.

Supplemental Testimony to go with D Card #604.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 24, 1900.

Supplemental testimony in the matter of the application of James Duncan for enrollment as a citizen of the Cherokee Nation:

T.J. Magee, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name? A T. J. McGee.
Q How old are you? A 56 years old.
Q What is your post office? A Miami.
Q How long have you lived in the Cherokee Nation? A 56 years.
Q You are here to give some additional testimony in a case? A Yes, sir.
Q What is the name of the man whose case you want to give additional testimony in? A James Duncan.
Q It is a question about his separating from his first wife is not it? A Yes sir.
Q Who is to blame in that separation? A She left him.
Q Did he give her any cause to leave him? A He always provided for her; he was a man that always kept plenty around him.
Q What about his treatment of her? A He always treated her all right.
Q What did she leave him for? A He had a difficulty there at his house and killed his brother and then he was taken to Fort Smith and while he was there she took up with another man.
Q Did he do anything for her support when he left her? A She was with another man. He came clear and came back.
Q Did he lead a correct life himself? A The trouble there and trouble later on he got into was the only trouble I knew of him getting into. In 1877, he got into trouble with some folks coming there and took his houses away from him.
Q You think he always deported himself as a man ought? A Always that way.
Q Did he treat his wife in a proper way? A Yes sir.
Q You never heard of his mistreating her? A Not while I was there.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson,

Subscribed and sworn to before me this 8th day of September, 1900.

C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, I. T., February 28, 1902.

In the matter of the application of James Duncan for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant present in person and by attorney, W. P. Thompson, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

The applicant was notified by registered letter February 12, 1902, that his application for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 28th day of February, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day appears in person, to wit the 28th day of February, 1902, and by his attorney, W. P. Thompson.

JAMES DUNCAN, being duly sworn testified as follows:

MR. THOMPSON; What is your name? A James Duncan.
Q Your age? A 60.
Q Postoffice? A Afton.
Q You are the applicant in this case? A Yes sir.
Q I notice the record in this case is reported as having you say in answer to this question: "Aand you were not married between the time she left you and the time you married your present wife, Sarah?" Your answer to avove question in the record is "Yes, sir". Is that correct or not? A That is not correct.
Q You were never married from the time your wife Sarah left you until you married your present wife then? A That is right.

LEWIS MOORE, being first duly sworn, testified as follows:

MR. THOMPSON: What is your name? A Lewis Moore.
Q Postoffice? A Needmore.
Q Age? A 48.
Q Do you know the applicant, James Duncan? A Ues, sir.
Q Do you know where he was in 1880 when the roll was taken?
A Yes, sir.
Q Where was he? A He was in Detroit I think in the penitentiary.
Q Was he confined at Detroit? A Yes, sir.
Q Did you know his first wife? A Yes, sir.
Q You know the time they separated? A Well, not just exactly, I don't, not recollect the time they separated.
Q Do you know the cause of the separation? A Not exactly.
Q Well, do you know which one kept the home where they were living?
A Duncan.
A And did they have any children? A Yes, sir.
Q Who kept the children? A Duncan till he was sent off.
Q Do you know about his first wife having an illegitimate child?
A Yes, sir.
Q How long was that after they separated? A As well as I can recollect about a year I think.
Q Do you know whether she had taken up or was living with some one?
A Nothing only just what I heard.
Q Do you know whether his first wife was dead at the time he married his second? A No, sir, I couldn't be positive about that.

Q Well, had you heard anything of it? A Yes, sir, I heard she was dead.

MR. HASTINGS: Well, now, how did you hear it? A Well just like you hear any other talk.

Q Well, how far did she live from you? Awell, couldn't even tell you how where she lived when she died.

Q You don't know who you heard it from? A No, sir, only just country talk.

Q Do you know what year you heard she died? A No, sir, not exactly.

Q Do you know in five years of what year it was? A Oh, yes, sir,

Q Well, now, tell it then? A Well, it would be just a guess, it was between 1874, 1880 somewheres along there.

Q That is as near as you can come to it? A Yes, sir.

Q How f r did you live from them when they lived together as husband and wife, when Jim lived with his first wife? A About four miles I guess.

Q You don't know anything about what caused the separation? A Nothing only just talk.

Q Just talk? A Yes sir.

Q You know nothing from this woman? A No,sir.

Q It was not her talking? A No, sir, it wasn't her talk.

Q Do you know the exact date of their separation? A No, sir.

Q Do you know the exact date of the birth of this child after the separation? A No, sir.

Q Do you know exactly how long it was afterwards? A somewheres near about a year, I know I had rented Duncan's place that next spring, and was living there.

Q How long was it after they separated before this man was sinvicted and sent off to the penitentiary? A I couldn't tell you how longit it was after the separation, don't remember.

Q As much as twenty years? A No, it wasn't that long.

Q Well fifteen? A I couldn't say exactly how long.

Q Well, do you think it was as much as much as ten years? A No, I don't think it was that long.

MR THOMPSON: Well, don't you know anything about it; tell---- A All I know is about the time he and Park got into the trouble and I was living on his place and he and his woman had been separated then.

MR. HASTINGS: Well, about how long? A Well, maybe two or three or four years.

Q Well is that your best judgment? A Yes, sir.

Q You don't know much about the separation no way? A No, sir, not about the separatem.

MR. THOMPSON: Do you know whether you heard she was dead before 1884 or not? His first wife, you either know it or don't?

Q Well, I know that I heard she was dead.

Q Before 1884? A Yes,sir.

Q Well, do you know that he was in the penitentiary in 1880 for that shooting of those horse thieves up there? A Yes, sir.

Q Well you lived on his place when he was sent there? A Yes, sir.

Q Well, you know about those facts don't you? A Yes, sir.

T. J. McGee, being first duly sworn, testified as follows:

MR. THOMPSON: What is your name? A T. J. McGee.

Q Age? A 58.

Q Posteoffice? A Daws, Indian Territory.

Q Do you know about the time of the marriage of James Duncan to Sarah Miller or Copeland? A About 1884 is the best of my recollection.

Q Do you know whether his first wife, Tempy Ann Schrimpsher, was

dead at the time that he married Sarah Miller or Copeland? A Well, he was married by the deputy clerk, I was away, down at Taklequah, and when I cam back home he said that he had married Jim Duncan, and he said they they stated----

MR. HASTINGS: I don't think that would be--------

MR. THOMPSON: Well, had you heard of her death before that time? A Yes, sir.

Q Do you know where Jim Duncan was in 1880? A He was reported to be at the house of correction.

Q Well, do you know of the circumstance of the assault in regard to some horse thieves up there, for which he was sent? A Well, I only heard of it.

MR. HASTINGS: Well now you lived on the east side of Grand River? A Yes, sir.

Q And over on Cowskin prairie Jim Duncan lived on the west side

A Yes, sir.

Q Now how far did he live from you? A We lived about fifteen miles miles apart, twelve or fifteen miles.

Q Is that all? A Yes,sir.

Q Now how long before 1884 had you heard of this woman being dead?

A It would be hard matter to say.

Q Who did you ever hear say it? A Why my deputy clerk that married them.

Q Well that was at the time? A Yes, sir.

Q That was after the marriage. Who did you hear it from? A I heard it from Mr. Duncan.

Q From Mr. Duncan himself and that is since he has been here?

A No, sir.

Q Well, when did you hear it before? A I couldn't say just exactly.

Q Had you heard it before from anybody else? A Well, I couldn't say who else I might have heard it from.

Q You couldn't state that? A No, sir.

COMMISSION: You submit the case, Mr. Thompson?

MR. THOMPSON: Yes, sir.

COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case. The same is ordered closed and reported to the Commission for a final decision based upon the evidence now of record. The attorney for the applicant requests and will be granted ten days in which to file a brief in this case, one copy with the Commission, and one copy with the representatives of the Cherokee Nation.

--:--:--:--

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of March, 1902.

T. B. Needles.

Commissioner.

D 504

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 23 1902
Acting Chairman

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I T. 7/28/12

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of James Lennon for enrollment as ~~freedman~~ Cherokee citizen of the Cherokee Nation.

Wm. P. Thompson

No. 10504

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9th, 1902.

In the matter of the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to D-504.

Cherokee Nation appears by J. C. Starr.

JAMES DUNCAN, being duly sworn, testified as follows:--
Examination by the Commission.

Q. Your name is James Duncan? A. Yes, sir.
Q. How old are you? A. I will be 62 years old the sixth day of next April, is I live to see the day.
Q. What is your post office? A. Afton.
Q. You are a white man? A. Yes, sir.
Q. Claiming as an intermarried citizen, are you? A. Yes, sir.
Q. What is the name of the wife through whom you claim citizenship?
A. Sarah Miller.
Q. Is she living? A. She is living.
Q. Is she your first wife? A. No, sir.
Q. How often were you married before you married Sarah? A. Just once.
Q. Was your former wife dead when you married her? A. Yes, sir.
Q. Was Sarah ever married before? A. Yes, sir.
Q. How often? A. Once.
Q. Was her first husband dead when she married you? A. No, sir; they parted.
Q. Were they divorced? A. Yes, sir.
Q. Where were they divorced? A. Delware district.
Q. When was that? A. In '83.
Q. When did you marry her? A. '84, sixth day of November.
Q. What is the name of her first husband? A. Copeland.
Q. What is his first name? A. Mr Alex.
Q. Was he a white man or Cherokee? A. He was a Cherokee.
Q. What was your first wife? A. She was a Cherokee.
Q. Did you marry your first wife under a Cherokee license?
A. Yes, sir.
Q. Then you are claiming through your first wife, are you?
A. I have always been recognized as a citizen.
Q. You didn't marry your second wife under a Cherokee license?
A. No, sir.
Q. You were a citizen at that time? A. Yes, sir.
Q. When did you marry your first wife? A. '68.
Q. What was your first wife's name? A. Tempy Ann Schrimpsher.
Q. How long did you live with her? A. I lived with her until about '71 and she quit me.
Q. She quit you in '71? A. Yes, sir.
Q. You lived with her continuously up to '71? A. Yes, sir.
Q. You say she quit you in '71. A. Yes, sir.
Q. What was the cause of the separation? A. She took another man.
Q. Did she marry that other man? A. No, sir; she left him and married another man by the name of Sutherland and quit Sutherland and married another man.
Q. You never lived with her after '71? A. No, sir.
Q. When did she die? A. Died in '81, I think. My daughter, she told me she died in '81. She was up there.

Q. Did you ever try to get your wife to come back with you?
A. Not after she took that man.
Q. Your present wife is living? A. Yes, sir.
Q. Have you been living with her ever since you married her?
A. Yes, sir.
Q. Have you been residing in the Cherokee Nation ever since you married your first wife? A. Yes, sir.
Q. Never lived outside of the Cherokee Nation since that time?
A. I never liged out.
Q. You have been out? A. Yes, sr; I was out last fall about two weeks.
Q. But you have never been out to live? A. I have never been out to live.

Examination by Mr. Starr.

Q. Was Tempy Ann Schrimpsher ever married before you married her?
A. No, sir.
Q. She is your first wife? A. Yes, sir.
Q. Where did you and she live during the time you lived together?
A. Right on the place we are living now.
Q. Where is that? A. Six miles east of Afton.
Q. Who was living near you? A. A good many people lived around there. Bill Trott. Oce Trott.
Q. Bill Trott of Vinita? A. Yes, sir.
Q. Can you name anybody that lived near you at that time?
A. There wasn't very many lived in that country then; '68 and to '71.
Q. Oce Trott and Bill Trott, did they live near you?
A. Lived about a mile from me.
Q. Who is the man you say your wife run away with? A. Mansil.
Q. What was his first name? A. Bob.
Q. Where did she go with him? A. He took her and had her a while and run off.
Q. Where did he take her to? A. Around the neighborhood.
Q. Where to. A. I didn't follow up to see. I went off to Fort Smith and hired a woman to stay with her. She told me.
Q. How long did you stay there? A. I was there about a month.
Q. When you came back your wife was gone? A. She was there living with this fellow right there in my house. That woman told me. You will find her daughter on the eighty roll, Bell Mansil. Then she took another man by the name of Parks and they had some children.
Q. When you come back you found this woman living with another man? A. Yes, sir.
Q. Did you see him? A. Yes, sir. I saw him there.
Q. How long did he stay there after you got back? A. He didn't stay at all. They left and went up to her uncles.
Q. What was her uncles name? A. John Ward.
Q. How far did he live from there? A. About three miles.
Q. Where is he? A. He is dead.
Q. You never made any effort to get her to come back? A. Never made any effort after she went with that other man.
Q. Why are you not on the eighty roll? A. Simply because I got into trouble with them Barkers. They robbed me of four head of stock. They sent me to the house of correction at Detroit, Mich.
Q. When did you get into this trouble? A. '78.
Q. When did your wife leave you? A. '71.
Q. Did you have any trouble before you left for Fort Smith?
A. No, sir.
Q. What was the name of this man she run away with?
A. Bob Mansil.
Q. How long did he live with her? A. Didn't stay only a month or so.

Q. Then where did she go? A. Married this man Sutherland.
Q. What Sutherland? A. George.
Q. Where did she go? A. Up in Delaware, until they parted. She quit him and married a man by the name of George Parks.
Q. How long did she live with Sutherland? A. I couldn't tell you exactly.
Q. After she quit living with Sutherland she married?
A. She married Sutherland first, then quit Sutherland and went to this man Parks.
Q. Where did she go then? A. Went back to Sutherland.
Q. How long did she live with Sutherland? A. I couldn't tell you. They lived down here about 40 miles before from where I live.
Q. Where are you living now? A. Living on my old place that I lived on ever since '65.
Q. Did you get a divorce from this first wife? A. No, sir; I didn't. I never tried.

BY THE COMMISSION:
Q. I think I asked you if your present wife is a Cherokee by blood.
A. Yes, sir, she is a Cherokee. Born and raised here. Never was out of the nation.

||||||||||||||||||||||||||||||||||||||||||

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 8th day of December, 1902.

B O Jones
Notary Public.

Cherokee D 604

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Duncan for his enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record herein shows that on October 3, 1900, James Duncan appeared before the Commission at Vinita, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Muskogee, Indian Territory, on February 28, and October 9, 1902.

The evidence shows that James Duncan, a white man, was married under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation on February 20, 1868, to Tempa Ann Bohrimpser, a citizen by blood of the Cherokee Nation, who is identified in the marriage license as "Temper Crimser". It appears that the applicant and his said wife lived together for about three years following their marriage and that she then left him, and there is no evidence that the said James Duncan abandoned his said wife. James Duncan is not identified on the authenticated tribal roll of 1880, having been in Prison during the preparation of such roll, and his identification on that roll as shown by the record is an error. An examination of the Cherokee tribal rolls in the possession of the Commission shows that the applicant is identified on the Cherokee Census roll of 1896 at page 569, #154.

Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 656 of the compiled laws of the Cherokee Nation (1892), provides:

"Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It appears that James Duncan acquired the rights of Cherokee citizenship by virtue of his marriage to his first wife in 1868, and that subsequent to her death, which occurred in 1881, he married his present wife, Sarah, a citizen by Blood of the Cherokee Nation.

The evidence further shows that the said James Duncan has resided in the Cherokee Nation since the date of his marriage to his first wife.

It is, therefore, the opinion of this Commission that James Duncan should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this JAN 30 1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,
Vinita, I.T., February 6th.,1903.

IN THE MATTER OF THE APPLICATION OF JAMES DUNCAN FOR ENROLLMENT AS A CITIZEN BY INTER-MARRIAGE OF THE CHEROKEE NATION.

D--504

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in the above case on January 30th.,1903, and asks that the same, together with the record and a copy of the brief heretofore filed by the Cherokee Nation, be forwarded to the Honorable Secretary of the Interior for review.

Our objections to the enrollment of the applicant are fully stated in said brief, and we submit the same upon the argument contained therein.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation

At this point the reporting of the testimony was continued by Jesse O. Carr .

By the Commission:-

Q. This letter, Mrs. Grazier, that was written to your husband, notified him that further evidence would be necessary touching the question of his abandonment of his wife. Do you know what abandonment means?
A. I guess it means when he has left.
Q. That is what you think it means?
A. I think so.
Q. Because your husband hasn't left you alone all the time you think he hasn't abandoned you, as long as he gives you some money?
A. If he provides for us all the time.
Q. If he lives with this other woman as much as you he hasn't left you?
A. No, he hasn't left.
Q. As long as he goes to see this other woman and then comes to see you and gives you money, that isn't abandonment?
A. No, sir. He provides for me all the time.
Q. When he brough this other woman to your house the first time did you ask him who that was?
A. No, sir.
Q. Who did he say it was?
A. He never said who she was.
Q. You knew that it was the owman your husband was living with?
A. No, I didn't know he was living with her. He didn't say she was. I knew who it was, though.
Q. Did you know then that your husband was living with her up in Kansas?
A. I didn't know what he was doing up there.
Q. You didn't know what he was doing up there?
A. Oh, yes, I knew he was practicing medicine.
Q. You found out since he was living with this woman?
A. I never inquired into it. I never tried to find out.
Q. Has he lived with this woman as much as you?
A. I don't know.
Q. He treats her as his wife, just as he treats you, and supports her?
A. I don't know nothing about what he does.
Q. He has children by her?
A. I don't know whether they are his children or whose they are.
Q. He admits they are his children?
A. I don't know.
Q. Doesn't he acknowledge the children?
A. I don't know what he says about that.
Q. Didn't he ever say anything to you about that?
A. No.
Q. You never said anything to him?
A. No.
Q. Do you know as a matter of fact that the children are his?
A. No, I don't know anything about that.
Q. What is your opinion about it?
A. I couldn't say. I don't know.
Q. How many children did you say this woman had?
A. She has got two.
Q. How old are they?
A. They are 5 years old, I think.
Q. The oldest one?
A. I think.
Q. How often has this woman come to your house with your husband?
A. I don't know.

Q. A great many times?
A. Yes, sir.
Q. Did he have the children along sometimes?
A. Yes, sir.
Q. Then he goes off with her again?
A. Yes, sir.
Q. Now, when they came to your house, this woman and her children, with your husband, how long did they stay there with you?
A. Why, I don't know. I never noticed how long they stayed.
Q. Did they stay over night?
A. I don't know. Longer than that I guess.
Q. More than one night?
A. Yes, sir.
Q. Stayed a week at a time?
A. I guess so.
Q. More than that?
A. I guess they do.
Q. Stayed several weeks, probably?
A. Yes, sir.
Q. And when your husband goes off she goes off with him?
A. Yes, sir.
Q. Then he would be gone may be 2 or 3 weeks?
A. Yes, I guess so.
Q. And then he comes back with her?
A. No.
Q. He comes alone, does he?
A. Yes, sir; he most always comes alone.
Q. How long would he stay, 2 or 3 weeks?
A. As long as he wants to.
Q. You say you and your husband have never talked about this matter? His relations with this woman?
A. No, sir.
Q. You never found it strange that he was living with another woman?
A. No. I am all right. He left my children with me. My children stays with me. They are all about grown.
Q. All you desire to testify to is that your husband never left you alone for any length of time and supports you?
A. Yes, that is all I thought I had to testify to and I knowed I could do that. I don't know who got up that kind of doings unless it is Randolph.

Homer Grazier, being duly sworn, testified as follows:-

Examination by the Commission.

Q. State your name?
A. Homer Grazier.
Q. How old are you?
A. 19.
Q. What is your post office?
A. Marcism.
Q. Are you the son of Moses L. Grazier?
A. Yes, sir.
Q. Martha Grazier is your mother?
A. Yes, sir.
Q. Have you ever testified in this case before?
A. No.
Q. Where were your father and mother living when you first remember?
A. On Grand river, I guess.

Q. On a farm?
A. Yes, sir.
Q. You say you are 19 years old?
A. Yes, sir.
Q. Now, you can remember back to the time you were about 5 or 6?
A. I never kept track to see how long I can remember back.
Q. You remember back at the time you were 9 years old?
A. I guess I do.
Q. How much of the time have your father and mother lived together during the last 10 years?
A. I never kept track. They lived together all the time, so far as that is concerned, except when he would go off for a night or two.
Q. Have you been home all the time?
A. Yes, sir.
Q. Working on the farm?
A. Yes, sir.
Q. You say your father has been there except that he would be away?
A. Yes, sir. A night or two or something like that.
Q. How long has he been away the longest time?
A. I never counted up to see.
Q. Would it be two days, two weeks or two months?
A. He has been away several times 2 or 3 days.
Q. Has he been away longer than that?
A. Yes, been away a week. I never kept track of it.
Q. You have an idea whether it was a week or month?
A. Yes, sir.
Q. What is your best judgment?
A. I didn't keep track of it.
Q. I am asking your judgment. You can say whether it was a week or a month?
A. I didn't say.
Q. I am asking you to say. Do you intend to answer that question?
A. No, sir.
Q. Why won't you?
A. I don't care to answer it.
Q. Will you answer it?
A. I will.
Q. Answer it.
Q. He has been gone a week.
Q. I am asking if he has been away more than a week at one time?
A. I don't know whether he has or not.
Q. Would you say he had been gone a month at a time?
A. No, I wouldn't say that. I never did keep track of it.
Q. Your answer is you don't know how long he has been gone?
A. Not exactly. I didn't keep track.
Q. What do you mean by not exactly?
A. I mean not to the day or hour.
Q. I am asking whether he was gone a week, whether 2 weeks, or 3 weeks or a month.
A. Why, he has been gone 2 weeks, I guess.
Q. Where was he during the time he was gone?
A. I don't know anything about it. I didn't follow him.
Q. Did your mother know where he was?
A. I don't know that either.
Q. Did you father ever write home?
A. I suppose he did.
Q. Don you know whether he did or not?
A. I don't know.
Q. Did he ever write to you?
A. No. Yes, he did, too.
Q. He wrote you?
A. He wrote he once.

Q. Where was he then?
A. He was in Elk City.
Q. Elk City, Kansas?
A. Yes, sir.
Q. What was he doing there, do you know?
A. I don't know. I didn't ask him. He said he was practicing medicine. I suppose he was.
Q. How long ago was that, that he wrote you?
A. It has been a year.
Q. That is the first time he ever wrote you while he was gone; that is the only time?
A. That I remember of.
Q. How far do you live from the post office?
A. I live about 3 miles.
Q. You would go for the mail occasionally, would you?
A. Yes, sir.
Q. Do you know whether your mother ever got any letter from your father?
A. I couldn't tell you anything about that.
Q. You couldn't say as to that?
A. No, sir; I don't know anything about that.
Q. You go for the mail?
A. Yes, I went after the mail.
Q. Don't you know whether your mother got any letters?
A. She got some. I don't know who from. I didn't come up here to answer all kinds of questions. I came up to answer whether he supported her or not.
Q. You will answer any question put to you. I am asking whether your mother got any letters from your father while he was gone.
A. I don't know anything about that.
Q. Can your mother read and write?
A. I suppose she can.
Q. Well, do you know?
A. She can read but she can't write very good, I don't think.
Q. Does she ever write letters?
A. No, sir.
Q. She can read a letter?
A. Yes, sir.
Q. Did she ever read any letters to you that your father sent while he was gone?
A. No, sir.
Q. Now, you say in your best judgment the longest time your father was away from home was about two weeks?
A. I never paid any attention to it.
Q. He would be gone quite often, wouldn't he?
A. Why, not so very often.
Q. About how often in the course of a year would he be gone?
A. About 3 or 4 times.
Q. Did you ever see any woman at your mother's house who came there with your father?
A. I saw a woman there; yes, sir.
Q. What was her name?
A. I don't know anything about it.
Q. Did she have some children?
A. I don't know anything about that.
Q. Did you ever see any children there with the woman?
A. There ain't no use of you asking me all them questions.
Q. I am asking them, nevertheless.
A. I ain't going to answer very many of them.
Q. Did your father ever bring a woman down to his home with some children to visit there?
A. I don't know anything about that. I couldn't swear he brought her there or anything of that kind. I ain't going to, more.

Q. You saw some there, visiting there a week or more at a time?
A. I never kept track of it.
Q. She did visit there?
A. How do you know. Did you see her there. You seem to know everything about it.
Q. Now, Mr. Grazier, if you don't answer the questions properly I will report you to the United States court. I am asking you to state whether you saw any woman, during the past 5 or 6 years, come to your mother's house at the time your father returned and stay there a week or more at a time. Now answer that question yes or no.
A. I guess so.
Q. When that woman went away wouldn't your father go?
A. I don't know anything about it.
Q. Didn't they leave the house at the same time?
A. I don't know that either.
Q. You didn't know when this woman went away?
A. No, sir.
Q. You don't know if she ever went away?
A. Yes, she isn't there now.
Q. She isn't there now?
A. No, sir.
Q. Who is there besides your mother.
A. No one only ~~xxxxxxx~~.wife.
Q. How long has this been, she was there?
A. I don't know.
Q. Has she been there within the past year?
A. Once, I think.
Q. How long did she stay there?
A. 2 or 3 days.
Q. ~~Mr~~ She came there with your father when he came from Kansas?
A. I don't know anything about that. I wasn't there when he came.
Q. You don't know whether she came when your father came and went when he went away?
A. No, sir.
Q. You don't know but what she might have come with him and gone back with him?
A. I don't know anything about it.
Q. Did you and your father have any talk about this woman?
A. He and him never talked about it.
Q. Did you and your father ever talk about this case?
A. No, sir.
Q. At no time?
A. No, sir. Only he told me yesterday when he got the letter.
Q. That he had to come here?
A. Yes, sir.
Q. About how long did he talk to you about the case?
A. Never talked to me about it any.
Q. How did you happen to be here?
A. How did I happen to be here. I come in a buggy.
Q. Who asked you to come?
A. I come to file on my land.
Q. You happened to meet your father and mother here?
A. They came to. We live on the same place.
Q. Your father asked you to testify in his case?
A. He said he wanted me as a witness.
Q. Didn't he tell you what you would have to testify to?
A. I told you I don't know anything about it.
Q. Didn't your father tell you what you would have to testify to?
A. No, sir.
Q. What makes you so reluctant to answer these questions?
A. Nothing, only I think it is all foolishness.
Q. Why do you?
A. Because the question is whether they are separated.

Q. How do you know.
A. Because I read the letter.
Q. I thought you said you didn't know anything about the case?
A. I don't know, only from the letter.
Q. What did the letter say?
A. That he had abandoned his Indian wife.
Q. Do you know what abandonment means?
A. I suppose I do.
Q. What does it mean?
A. It means to leave, I guess.
Q. Do you know whether your father has been living with this other woman?
A. I know nothing about it at all.
Q. Did your father and you talk about this case when you were out in the hall?
A. No, sir; nothing about the case at all.
Q. Nothing about what your testimony would be?
A. No, sir.
Q. The case wasn't mentioned at all?
A. No, sir. He was out there walking around, I was right there by the window.

Examination by Mr. Hastings.

Q. How far do you live from your mother's?
A. I live right close, about 10 steps from the other house.
Q. In the same yard?
A. Yes, sir.
Q. Isn't this other woman, that your fathers has been keeping, up there now?
A. Up there now?
Q. Wasn't she this morning, when you left?
A. I don't know anything about it.
Q. You know whether she was there or not?
A. I don't know anything about it.
Q. Was she there last night?
A. I don't know that, either. I stayed in my houses and they stayed in theirs.
Q. How many rooms have they got in their house?
A. They have got two, I guess.
Q. You know, don't you?
A. Yes. Got two.
Q. Wasn't this other woman there yesterday?
A. I don't know. I wasn't there yesterday.
Q. What time did you come back yesterday?
A. I come along about dark.
Q. Were you over to their house last night?
A. No, sir.
Q. Did you see this woman at all yesterday?
A. No, sir.
Q. Where were you day before yesterday?
A. Day before yesterday. Let me see. I was in Miami day before yesterday, but yesterday I was looking after the place I was buying.
Q. Within the last few days have you seen this other woman?
A. No, sir; I haven't.
Q. You don't know whether she is up there?
A. No, sir
Q. You didn't see her around up there. Have you seen here about that place within the last week.
A. I told you I didn't been at home for the last week.
Q. Well, have you seen her?
A. No, I said.

At this point the witness refuses to testify and leaves the room.

Witness returns to witness stand and the examination is continued as follows:

BY THE COMMISSION:

If you will answer the questions put to you there will be no trouble. If you don't, there will.

A. I ain't afraid about the trouble at all.

Examination by Mr. Hastings.

Q. What I object to is you evade by saying something else. I am asking if you saw this woman, whom your father is reputed to be living with, and by whom he is said to have some children, about your mother's place? Have you seen her?

A. Yes, I have seen her.

Q. When was the last time?

A. It has been sometime along last winter.

Q. So far as you know, so far as your information is concerned, she hasn't been about there this last week?

A. Not that I noticed, no.

Q. How many times has this woman been at your mother's place?

A. I don't know.

Q. About how many times, according to your best judgment?

A. I suppose half a dozen times. I don't know exactly.

Q. With whom did she come?

A. I don't know.

Q. Were you ever there when she came?

A. No, sir; I never just happened to be there.

Q. You would always see your father in connection with her?

A. Why, he was there. I wouldn't swear he brought her there.

Q. When you saw her there he would be there?

A. Why, he was there other times, too.

Q. You wouldn't see her there unless he was there?

A. No, sir.

Q. How many children has she?

A. She has one, if I am not mistaken.

Q. About how old is it?

A. I don't know, I am sure.

Q. How long has your father been at home this last time?

A. Now, I don't know.

Q. About how long?

A. I don't remember when he come home.

Q. Your best judgment?

A. I ain't been home myself, I reckon two weeks. I been down here at Afton. I been out there for the last two weeks. I don'tknow just when he came home. He was there when I left home, he was there when I came back.

Q. When did you leave home?

A. I come away along in February, I believe it was. Not February. Along about the middle of January.

Q. Now Mr. Grazier, isn't it a fact that your father is reputed and generally believed to be living with this woman up in Kansas?

A. I don't know, sir.

Q. Do you know that it is the common report throughout the country that he has some children by her?

A. I don't know, sir. I never heard it. There was never any talk of that kind to me.

Q. Isn't it a fact that in the past two years a greater bulk of his time has been spent away from home?

A. No, sir.

Q. Isn't it a fact that he isn't up there only as he comes and goes, and that he stayed in Kansas?

A. No, sir. He stayed at home more than he was gone.

Q. He had no business. You say he was practising medicine up in Kansas?

A. I suppose so. I have got his word for it.

Q. Was he a drug store up there?

A. I don't know.

Q. Did you ever hear him say?

A. Yes, sir. He did have one. I don't know whether he has it up there now.

Q. Did he say he did have one?

A. I don't know anything about it. I never asked.

Q. What is this woman's name?

A. I don't know.

Q. Did you ever hear it?

A. No, sir; never heard her name called in my life.

Q. Didn't you see her there at your house?

A. I have seen her there. I don't know her name, never asked it.

Q. She stayed there weeks at a time?

A. No, not weeks.

Q. How long did she stay there?

A. 5 or 7 days.

Q. She came with your father and both disappeared together?

A. I don't know.

Q. About the time time. When one left them both were gone.

A. Yes, sir. I don't know how they went. I wasn't there.

Q. Do you know a Mrs. Foley?

A. No, sir.

Q. Did you ever hear this woman called that?

A. Never heard her name at all.

Q. Do you think a woman could come up there, within 10 feet of your house, and stay there a week and you not hear her name?

A. They could come up in the same house and I wouldn't know it. I never make a practice of asking anybody's name.

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 6th day of November, 1903.

Samuel Foreman

Notary Public.

C.F.B. Cherokee D 505

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER. JANUARY 5, 1907.

In the matter of the application for th e enrollment of JAMES DUNCAN as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person:

APPEARANCES :
Cherokee Nation represented by H. M. Vance, on behalf of W. W. Hastings, Attorney.

JAMES DUNCAN being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

On Behalf of Commissioner:

Q. W hat is your name? A. James Duncan
Q. What is your age? A. I am sixty-six years old; will be if I live to see the 6th day of next April.
Q. What is your Postoffice? A. Afton.
Q. You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation are you? A. Yes sir.
Q. You have no Cherokee blood? A. No sir.
Q. Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of that Nation is it? A. Yes sir.
Q. What is the name of the citizen throu gh whom you claim the right to enrollment? A. Her name was Tempie Ann Schrimsher.
Q. When were you married to Tempie Ann Schrimsher? A. I married her in 1868.
Q. Is she living or dead? A. Dead.
Q. When did she die? A. In 1881
Q. Was she a recognized citizen of the Cherokee Nation at the time you married her? A. Yes sir.
Q. Was she living in the Cherokee country at that time?
A. Yes sir.
Q. Did you marry her in accordance with the laws of the Cherokee Nation? A. I did.
Q. In what district did you secure your marriage license?
A. Delaware District.
Q. By whom were you married? A. J. T. Trott.
Q. What was he? A. He was a Minister of the Gospel.
Q. Were you ever married prior to your marriage to her?
A. No sir.
Q. Was she ever married prior to her marriage to you?
A. No sir.
Q. From the time of your marriage to your deceased wife, Tempie Ann Schrimsher, did you and she continuously live together as man and wife until her death?
A. No sir, she quit me and took another man.
Q. When did she leave y u? A. She left me in 1872.
Q. In 1872? A. Yes sir.

Q. What reason had she, or did she give you , for leaving you ?
A. Well, I had to attend Court at Fort Smith, stayed down there about a month, and when I came back she was living with another man by the name of Mansell.
Q. Did she tell you before you left that it was her intention to take up living with this man?
A. No sir.
Q. Had you any intimation of it? A. No sir. I got a lady to stay with her while I was gone, and when I came home she told me about it, and that night he come in, and she acknowledged it . She has one child by him, its name is Mansell, it is on the 1880 roll, and afterwards she left him and got a man by the name of George Southerland.
Q. Then your wife lived with two different men after she left you? A. Yes she lived with them two and another one, she quit Southerland and took up with a man by the name of Meeks, and has a child by him named Andy, I think it is, Andy Meeks.
Q. Then how many men did she live with after she left you.
A. Three.
Q? Was she married to any of them? A. Yes, she married George Southerland.
Q. Was she divorced from the one to whom she was married?
A. She just took up with them; and she was never divorced from me. In '74 they had a payment at Vinita and she was living with Southerland and they tried to get on the '74 roll and they would not recognize him as a citizen becaumse she was never divorced from me. They put me on that roll all right and I drew the Bread Money. You have got my license in this office.
Q. Have you married since her death? A. Yes sir.
Q. Is your second wife living? A. Yes sir.
Q. What was her name? A. Sarah Miller. Before she ever married.
Q. When did you marry her? A. In 1885 or 1886.
Q. You did not marry your second wife until after your first wife's death? A. No sir, not until after she died.
Q. You did not marry any one from the time your first wife left you until after her death? A. No sir, never did. Both my wives was Cherokees by blood. I was administrator on my first wife's father's estate; he died during the war.
Q. Have you continuously lived in the Cherokee Nation since your marriage to your first wife? A. I have been recognized as a citizen by the Cherokee Nation ever since my marriage according to their laws.
Q. Have you lived continuously in the Cherokee Nat ion since your marriage ? A. I lived here all the time except in '77, some fellows robbed me and we went after them, and they put me in the House of Correction . We had no officers and they claimed I had no right to go after them without an officer.
Q. Where were you sent to the House of Correction? A. Detroit, Michigan.
Q. How long were you there? A. Five years, five months and a half.
"Q. When were you sent? A. In '77.
Q. And you were there five years? A. Yes sir, I was there over five years.
Q. Your name does not appear upon the 1880 roll does it?
A. No sir.

Cherokee 555-3

Q. You were confined in the house of correction during the year 1897? A. Yes sir; and I had no people nor any body to put me on the roll. I am on every other roll that has been made while I was in the nation.

Q. You say you filed the license and certificate showing your marriage to your first wife, Tempie and Sweetwater, at the time you made application for enrollment; did you?

A. Yes sir.

Q. And it is now on file at this office? A. Yes sir, I reckon so; you took them from me there at Vinita, and never did return them.

The applicant, James Duncan is identified on the Cherokee Census Roll of 1896, Delaware District, No. 134.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the testimony taken in this case on the first above mentioned date, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lizzie M. Bowman

Subscribed and sworn to before me this 8th day of January, 1907.

Chas E. Hebsler
Notary Public.

C E R T I F I E D C O P Y .

(Honey Creek
(Del. Dist. C. N.
(February the 6th, 1868.

James Duncan,

A citizen of the United States is hereby licensed to marry Temple Grimmer, a citizen of the Cherokee Nation, the said James Duncan Having complied with the laws of the Cherokee Nation, the said James Duncan will be lawful married by some Minister of the gospel. The said James Duncan by oath truly allenates himself from the protection of all other governments, and from this day will abide by and support the laws of the Cherokee Nation.

Herein fail not - given from under my hand in the office this is the 6th day of February 1868.

(Signed) T.J.McGhee, Clk. Dist Court
In Delaware Dist.
Cherokee Nation.

This certifies that the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing and that the same is a true , full and correct copy of the original instrument now on file in this office.

Stenographer.

Subscribed and sworn to before me this 14th day of February, 1907.

Notary Public.

E D504

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 12, 1902

Mr. James Duncan,

Afton, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 28th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Cherokee D-508
Register.

Yours truly,

Acting Chairman.
Commissioner in Charge.

COPY.

Cherokee R-804

Muskogee, Indian Territory, January 31, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. M-174

Cherokee D-804

Vinita, Indian Territory, February 14, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Mr. W. P. Thompson of Vinita, who, the record in the case shows, represents as attorney James Duncan, an applicant for enrollment as a citizen of the Cherokee Nation, listed on doubtful card D-804, was in the office today and complained that although Mr. Duncan had received a copy of the decision of the Commission in his case and a notice to the effect that the decision had been protested by the Cherokee Nation, he, as attorney, did not receive a copy of the decision or a notice of the protest.

I request that a copy of the decision be furnished him at the earliest possible date.

Respectfully,

Clerk in Charge.

GRS

Vinita, Indian Territory, February 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of February 13, the original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation are transmitted herewith:

D- 80, Sarah E. Wiesmyer, et al.,
D- 221, Theophilus Parker, et al.,
D-1059, Surilda Scott,
D- 804, James Duncan,
D- 287, Hiram Blackfish,
D- 870, Susan L. Brown, et al.

Respectfully,

Clerk in Charge.

Encl-6-3

GHS

COPY.

Cherokee R-524

Muskogee, Indian Territory, February 24, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 20, 1903, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby

Chairman.

Enc. M-2130

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-504

Muskogee, Indian Territory, February 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting said application, and the protest of the Cherokee Nation against said decision, dated February 7, 1903.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee D-504

Muskogee, Indian Territory, February 24, 1903.

W. P. Thompson,

Attorney for James Duncan,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings had in the matter of the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated January 30, 1903, granting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

Enc. M-2130

Register

COPY.

Cherokee D-504

Muskogee, Indian Territory, February 28, 1903.

James Duncan,

Afton, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

There has heretofore been furnished your attorney, W. P. Thompson, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

COPY.

-2-

Secretary will be made known to you as soon as the Commission is informed of name.

Respectfully,

Tams Bixby.
Chairman.

Enc. M-130

Register.

Cherokee
D-504

Muskogee, Indian Territory, December 28, 1906.

James Duncan,

Afton, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

JMK

Acting Commissioner.

Cherokee
D-504

Muskogee, Indian Territory, December 28, 1906.

W. P. Thompson,

Attorney for James Duncan,

Vinita, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

James Duncan has been advised that to properly determine his right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for him to appear before the Commissioner for the purpose of giving testimony as to the date of his marriage and whether or not his wife, by reason of his marriage to whom he claims the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of his marriage to her, and whether or not he was married to her in accordance with Cherokee laws.

James Duncan has this day been directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A.M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

J.M.H.

Acting Commissioner.

Muskogee, Indian Territory, February 15, 1907

The Honorable,

The Secretary of the Interior.

Sir:

February 24, 1903, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application of James Duncan for enrollment as a citizen by intermarriage of the Cherokee Nation, together with the Commission's decision dated January 30, 1903 granting said application.

In view of the decision of the United States Supreme Court of November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, the applicant was, on December 28, 1906, summoned before this office for the purpose of giving further testimony in his case, and his testimony taken January 5, 1907, is enclosed. This testimony is transmitted to be considered in connection with his case.

Respectfully,

Tthrough the Commissioner
of Indian Affairs.

Commissioner

Encl. B-19
L M B

Muskogee, I. T., January 25, 1907.

Commissione r to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In considering the right of George Southerland, Cherokee 5216, to be enrolled as a citizen by intermarriage of the Cherokee Nation, I desire to call your attention to the testimony given by James Duncan, Cherokee D 505, in the matter of his application to be enrolled as a citizen by intermarriage of the Cherokee Nation, on January 5, 1907, wherein he claims to have previously married Tempie Ann Scrimsher, she being the same woman through whom George Southerland claims his right to be enrolled as a citizen by intermarriage of the Cherokee Nation, and the said James Duncan testifies that she was never divorced from him prior to her marriage to Southerland.

Yours very truly,

(Signed) W. W. Hastings.
Attorney for the Cherokee Nation.

-0Copy-

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

LAND
13780-1903.

February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of the Commission to the Five Civilized Tribes, dated February 24, 1903, relative to the application of James Duncan for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated January 30, 1903, granting the application. A copy of the protest of the Cherokee Nation against the action of the Commission in this case is enclosed.

The applicant herein claims the right to enrollment by reason of his marriage, in accordance with the laws of the Cherokee Nation, on February 29, 1868, to Tempa Ann Schrimpser, a citizen by blood of the Cherokee Nation, who is identified in the marriage license, enclosed with the record, as "Temper Crimser".

The record shows that the applicant and his wife lived together for about three years following their marriage and that she then left him, and there is no evidence adduced to show that the applicant abandoned his wife.

The Commission finds that James Duncan is not identified on the authenticated tribal roll of 1880, having been in prison during

the preparation of such roll, and his identification on that roll as shown by the record is an error, and that an examination of the Cherokee tribal rolls in the possession of the Commission shows that the applicant is identified on the Cherokee census roll of 1896, opposite No. 134.

Subsequent to the death of James Duncan's first wife, which occurred in 1881, he married his present wife, Sarah, a citizen by blood of the Cherokee Nation. It is also shown that the applicant has resided in the Cherokee Nation since the date of his marriage to his first wife.

Having married a citizen by blood of the Cherokee Nation prior to November 1, 1875, in accordance with Cherokee laws, the applicant under the ruling of the United States Court in the case of Daniel Red Bird, et al vs. The United States, is entitled to enrollment as a Cherokee citizen by intermarriage , and it is recommended that the decision of the Commission to that effect be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-KH.

D.C 8844-1903. (COPY)

DEPARTMENT OF THE INTERIOR, J.W.S.
WASHINGTON. J.C.H.

DIRECT
I.T.D.2392-1907.

February 12, 1907.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 24, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of James Duncan for enrolment as a citizen by intermarriage of the Cherokee Nation, together with its decision.

Reporting February 2, 1907 (Land 13780-1903), the Indian Office recommends that the decision of the Commission be approved. Copy of its letter is inclosed.

The Department concurs in said recommendation and the decision enrolling the applicant is hereby affirmed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inclosure.

3 incl. & carbon copy to Ind. O.

A McC
2-13-07.

Cherokee
10986.

Muskogee, Indian Territory, February 16, 1907.

James Duncan,

Afton, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 12, 1907.

Respectfully,

HJC

Commissioner.

Cherokee
10984.

Muskogee, Indian Territory, February 16, 1907.

W. P. Thompson,

Attorney for James Duncan,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application for the enrollment of James Duncan, as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior, February 12, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-92.
HJC

Commissioner.

Cherokee
10908.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 30, 1903, granting the application for the enrollment of James Duncan as a citizen by intermarriage of the Cherokee Nation was affirmed by the Secretary of the Interior, February 12, 1907.

For your information a copy of the Departmental decision referred to is enclosed herewith.

Respectfully,

Encl.KJ-90.
MJC

Commissioner.

Cherokee
I.W.888

Muskogee, Indian Territory, April 16, 1907.

James Dickson,

Afton, Indian Territory.

Dear Sir:

Your marriage license and certificate filed in connection with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Commissioner.

Encl. W-24.
E.W.

Cher IW 223

Cher IW 223

FILE
DEC

COMMISSION TO

C 6025

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd, 1900.

In the matter of the application of John H. Abbott for the enrollment of himself and children as Cherokee citizens. He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. John H. Abbott.
Q How old are you? 46.
Q What is your post office address? A. Tahlequah.
Q What district do you live in? A. Tahlequah
Q Are you a recognized citizen of the Cherokee Nation? A. By adoption
Q For whom do you apply? A. Myself and children.
Q Have you a certificate of marriage? A. No sir
Q Is your wife a Cherokee citizen by blood? A. Yes sir.
Q What was her maiden name? A. Helen Walker.
Q. When were you married to her? A. In 1874.
Q What are the names of your children? A. Carrie M.
Q How old is she? A. 19
Q Next child? A. Fannie E.
Q How old ? A. 15.
Q What is the next child named? A. Butler L.
Q How old? 11.
Q What is the next one named? A. William G.
Q How old? 8.
Q Next child? A. Jane E.
Q How old? 6.
Q Are these children all alive and living with you at this time?
A. Yes sir.
Q Have you lived in the Cherokee Nation ever since you were married
A. Yes sir
Q Is your wife living? A. No sir.
Q Have you married since she died? A. No sir.
Q Did you live with her until she died? A. Yes sir.

1880 roll, page 347, No 16.			John Abbott,	Flint district.
1896	1275	6	John Abbott,	Tahlequah dist.
1896	1131	31	Carrie Abbott,	"
1896	1132	33	Annie Abbott,	"
1896	1133	35	Butler Abbott	"
1896	1132	36	William Abbott	"
1896	1132	37	Jane Abbott,	"

N.

The name of John Abbott appears on the authenticated 1880 roll and the census roll of 1896 as John Abbott, a Cherokee citizen by intermarriage . The name of his wife Helen, now deceased, appears on the authenticated 1880 roll, and the names of their children, Carrie M., Fannie E., Butler T., William G., and Jane E. Abbott appear on the census roll of 1896. They are all fully identified and make satisfactory proof as to residence, consequently the said John H. Abbott will be duly listed for enrollment as a Cherokee citizen by intermarriage and his children as enumerated in the testimony will be listed for enrollment as Cherokee citizens by blood.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribe and sworn to before me this the 4th of December, 1900.

Commissioner.

H.
Cher. 6028.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 6, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JOHN H. ABBOTT as a citizen by intermarriage of the Cherokee Nation.

JOHN H. ABBOTT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A John H. Abbott.
Q How old are you? A Fifty-one.
Q What is your post office address? A Tahlequah.
Q Are you a white man? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q What is the name of your wife? A Ellen Abbott.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee by blood? A yes sir.
Q When were you and she married? A Married in 1874, September.
Q Did you and she live together continuously up to the time of her death? A Yes sir.
Q When did she die? A It has been about four years ago.
Q Do you claim your right to enrollment by reason of your marriage to her? A Yes sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Have you lived in the Cherokee Nation continuously since you made application for enrollment? A Yes sir.
Q Did you make satisfactory proof to the Commission of your marriage to your wife according to ~~the~~ Cherokee law? A Yes sir, I think I did
Q Did you present your marriage license and certificate to the Commission? A They asked me, and I told them, and they said it was all right.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of John H. Abbott as a citizen by intermarriage of the Cherokee Nation, Cherokee straight card field No. 6028.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 8th day of October, 1902.

John O Rosson
Notary Public.

C. F. B. Cherokee 5028.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 6, 1907.

In the matter of the application for the enrollment of John H. Abbott as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person.

APPEARANCES:

Cherokee Nation represented by
W. W. Hastings, Attorney.

John H. Abbott being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A John H. Abbott.
Q What is your age? A About 54.
Q What is your post office address? A Foil, now.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A Not a bit.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Nation?
A Yes sir.
Q What is the name of the citizen through whom you claim?
A Ellen Walker.
Q Is she living? A No sir, she's dead.
Q When did you marry her? A In 1874.
Q Was she a recognized citizen by blood of the Cherokee Nation at the time you married her?
A Yes sir.
Q Living in the Cherokee country, was she?
A Yes sir.
Q Did you secure a license and marry her in accordance with the law of the Cherokee Nation?
A Yes sir.
Q In what district was the license issued?
A Going Snake District.
Q You secured your petition, did you?
A Yes sir.
Q And then got your license? A Yes sir.
Q By whom were you married? A Michael Ghormley, preacher.
Q You were married in Going Snake District, were you?
A Yes sir.
Q Were you ever married prior to your marriage to Ellen Walker?
A No sir.
Q Was she ever married before she married you?
A No sir.
Q When did she die? A '98 I believe.
Q From the time of your marriage to her, did you and she continuously live together as husband and wife and reside in the Cherokee Nation until her death?
A Yes sir.
Q Have you married since her death?
A No sir.

Q Has your residence been continuous in the Cherokee Nation from the time of your marriage to her up until the present time? A Yes sir.
Q Have you any evidence of a documentary character showing your marriage to your deceased wife?
A Not unless it is on the Going Snake records.
Q You have no marriage license and certificate?
A No sir; I lost them.

BY MR. HASTINGS.

Q What is the exact date of your marriage?
A It was September 4, 1874.
Q You were married in Flint District?
A I was married in Going Snake district at Uncle William Ghormley's.
Q Have you ever married since the death of your wife?
A No sir.
Q You have lived continuously in the Cherokee Nation since your marriage to her? A Yes sir.
Q And you lived with her continuously until her death?
A Yes sir.
Q And since that time you have lived continuously in the Nation and have never re-married?
A No sir; I have never re-married, and have lived in the Nation.
Q Did you have some children by this wife?
A Yes sir.
Q What was the oldest child's name?
A Ethel.
Q Is she living? A Yes sir.
Q In what year was she born?
A In '75; September, about the 5th I believe.
Q What is the next child's name? A Eugene.
Q How old is Eugene?
A I don't remember just exactly how old he is; he was born about a year after she was.
Q Is Eugene living? A Yes sir.
Q You were enrolled in Flint District in '80?
A Yes sir.

ON BEHALF OF COMMISSIONER.

The applicant, John H. Abbott, is identified on the Cherokee authenticated tribal roll of 1880, Flint District, No. 16. Immediately following his name on said roll appears the name of his deceased wife, E. T. Abbott, by virtue of his marriage to whom he claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, said E. T. Abbott being identified on said roll as a native Cherokee, age 24. Immediately following her name appears the name of E. L. Abbott, applicant's oldest child, who is identified as a native Cherokee, age 4 years, and immediately following the name of E. L. Abbott, appears the name of N. E. Abbott, native Cherokee, 2 years, and immediately following this name, appears the name of John W. Abbott, native Cherokee, 5 months old.

Q Are all these children that I have mentioned, children of yourself and deceased wife Ellen Abbott?
A Yes sir.

Q Have you any witnesses here who have known you since your marriage?
A Mr. Walker, my brother-in-law.
Q Was he present at the marriage?
A No; he wasn't present at the marriage.
Q Was he acquainted with you prior to the time you married his sister?
A Yes sir.

BY MR. HASTINGS.

Q You swear positively, Mr. Abbott, that you did secure a marriage license prior to your marriage?
A Yes sir.
Q You got the regular number of signers?
A I got 7 signers.
Q What clerk issued the license?
A Ben Goss, Going Snake District.
Q You swear positively that that license was issued?
A Yes sir.
Q And you also swear positively that you were married to her in September, 1874, after the issuance of this license?
A Yes sir; at William Ghormley's house.

Q Are any of the people who signed your petition living at this time?
A Charlie McClellan and James S. Stapler.
Q They didn't see you married?
A No, they just signed my petition. J. B. Jones, the Agent, drew my petition up for me.

William H. Walker being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A William H. Walker.
Q What is your age? A 40.
Q What is your post office address?
A Tahlequah, Indian Territory.
Q You are acquainted with John H. Abbott, are you?
A Yes sir.
Q Are you related to him?
A By marriage; yes sir.
Q What was his wife's name? A Ellen Walker.
Q She was your sister was she? A Yes sir.
Q Do you know when John H. Abbott was married to your sister, Ellen Walker?
A I don't believe I could fix the date; I was quite small at that time.
Q You can't swear positively as to the date?
A No sir.
Q Your sister was a recognized citizen by blood of the Cherokee Nation at the time of their marriage?

Q And resided in the Cherokee country?
A Yes sir.
Q You knew John Abbott prior to his marriage to your sister, did you?
A Yes sir.
Q Is it your understanding and do you believe that John H. Abbott at the time he married Ellen Walker, secured a license from the Cherokee authorities and married your sister in accordance with the law of the Cherokee Nation?
A Yes sir; I always so understood.
Q Since that time, has he to your own personal knowledge exercised the rights of a citizen by intermarriage of the Cherokee Nation?
A Yes sir; he has voted in the Cherokee elections, sat on juries and exercised all the rights of a citizen,- drew money.
Q Was your sister, Ellen Walker, ever married prior to her marriage to James H. Abbott?
A No sir.
Q Was he to your knowledge ever married prior to his marriage to her?
A No sir.
Q They lived together continuously from the time of their marriage until her death?
A Yes sir.
Q And lived in the Cherokee Nation?
A Yes sir.
Q Since her death, John H. Abbott has continuously resided in the Cherokee Nation, has he?
A Yes sir.

BY MR. HASTINGS.

Q You have heard Mr. Abbott's testimony with relation to the date of his marriage to your sister, which he fixes as being sometime in September of 1874; have you any reason to believe that that is not the correct date?
A No sir.
Q While you state that you do not remember the date, it is your belief that that is the date, from family history?
A Yes sir; I have heard it spoken of by my mother and others in the family; for that reason, I believe it is correct.
Q You have no reason to doubt it? A No sir.

ON BEHALF OF COMMISSIONER.

Q Do you remember when their oldest child was born? Can you remember that?
A Yes sir.
Q Do you have any idea as to how long it was after their marriage before that child was born?
A Well, no; not exactly; it seems to me like it was in the following year or possibly not until '76; I am not sure about that.
Q You know that it was some time after their marriage?
A Yes sir.
Q What is this oldest child's present name?
A Ethel Corn.

Q What is her post office address?
A I don't know; they live up North somewhere.

An examination of the records of this case show that application was received by the Commission to the Five Civilized Tribes November 27, 1900, for the enrollment of the applicant's oldest child, whose name is now Ethel Corn, and that her age at that time was given as 25 years.

Ewing C. Ghormley being first duly sworn by Mrs. Lyman K. Lane Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Ewing C. Ghormley.
Q What is your age? A 49 years.
Q What is your post office address?
A Adair.
Q Do you know a person in the Cherokee Nation by the name of John H. Abbott? A Yes sir.
Q How long have you known him?
A I have known him a good while; I can't say.
Q Did you know him before he was married?
A Yes sir.
Q Do you remember when he was married?
A Yes sir.
Q Give the date of his marriage.
A I don't remember the date.
Q Do you remember the name of his wife before she was married?
A Yes sir; Ellen Walker.
Q Was she a recognized citizen by blood of the Cherokee Nation at the time yhe married her?
A Yes sir.
Q Was she his first wife? A I suppose so.
Q Was he her first husband? A Yes sir.
Q Is she living at this time? A No, she's dead.
Q When did she die?
A I don't know when she died.
Q Do you know of your own personal knowledge that they resided together as husband and wife from the time of their marriage until the time of her death?
A Well, of course, I wasn't living right close tatthem but I never heard of anything to the contrary.
Q You say you were present at their marriage?
A Yes sir.
Q Is it your understanding that John H. Abbott secured a license and married his wife in accordance with the law of the Cherokee Nation?
A That's my understanding.
Q Did you see his license at the time of his marriage?
A No sir.
Q Did you know anything about his petition?
A I don't know as I did.
Q But you understand and believe that he secufed a license and married his wife in accordance with the law of the Cherokee Nation?
A That was my understanding.
Q Do you know of your own personal knowledge that since that

time he has been recognized as a citizen by intermarriage of the Cherokee Nation?
A I reckon; I haven't been living near enough to him to know anything about it.
Q You never heard his right as an intermarried citizen questioned?
A No sir.

BY MR. HASTINGS.

Q You are not prepared to state about the date of his marriage?
A No sir; he was married at my father's house.
Q And your father married them?
A It was either my father or grandfather.
Q Are they both ministers?
A One was the Clerk and the other a minister. I think my father married them. I think he issued the license.
Q You don't remember the date of it?
A No sir.

ON BEHALF OF COMMISSIONER.

Q Did you live near them just after their marriage?
A Yes sir; something about like 8 or 9 miles.
Q When was their first child born, do you remember?
A I remember the circumstance/
Q Do you know about how long it was after their marriage before their first child was born?
A No, I don't.
Q Was it a matter of a year or two years?
A I don't remember.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenggraphic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 12th day of February, 1907.

Clarence Chappell
Notary Public.

E C M

Cherokee 6028.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOHN H. ABBOTT as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 3, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of John H. Abbott as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 6, 1902 and Muskogee, Indian Territory February 6, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John H. Abbott, a white man, was married in accordance with Cherokee law in September, 1874 to his wife Ellen Abbott, nee Walker, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Flint District No.17 as a native Cherokee. It is further shown that from the time of said marriage until the death of said Ellen Abbott, which occurred about the year 1898, the said John H. Abbott and Ellen Abbott resided together as husband and wife and continuously lived in the Cherokee Nation; that since the death of said Ellen Abbott the said John H. Abbott has not re-married and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125,126,127 and 128, the said applicant, John H.Abbott is entitled under the provisions of Section Twenty-one of the Act of Congress approved June 28,1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory

this . 1907 .

Cherokee 6028

COPY

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for the enrollment of John H. Abbott as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.A-13
RA

Cherokee 6028

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John H. Abbott as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

D. D. Hastings

Attorney for the Cherokee Nation.

Cherokee 5028

COPY

Muskogee, Indian Territory, February 23, 1907.

John H. Abbott,

Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED [illegible]

Commissioner.

Encl.A-12
RA

Cher IW 224

Cher IW 224

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 2nd, 1900.

IN THE MATTER OF THE APPLICATION OF Rachel J. McCullough, husband and child for enrollment as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Rachel J. McCullough.
Q What is your age? A Fifty four.
Q What is your Postoffice? A Afton.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q ~~Xxx xxx~~ What degree of blood do you claim? A One eighth.
Q For whom do you apply for enrollment? A My husband, M. H. McCullough and Charles, my youngest son.
Q Husband and child? A Yes sir.
Q Why is your husband not here? A He is visiting in Illinois.
Q What is your Husband's name? A Milton H. McCullough.
Q Is he a white man? A Yes sir.
Q Is he on the roll of 1880? A Yes sir.
Q What is the name of your child, Mrs. McCullough, the one you want to enroll? A Charles H. McCullough.
Q How old is he? A He is seventeen.
Q Is he living now? A Yes sir.
Q You and your husband and child have always lived in the Cherokee Nation? A Yes sir.

(1880 Roll, Page 289, #1769, M. H. McCollough, Delaware D'st)
(1880 Roll, Page 289, #1770, Rachel J. McCollough, Delaware Dst)
(1896 Roll, Page 498, #1892, Rachel J. McCullough, Delaware Dst)
(1896 Roll, Page 581, #352, Milton H. McCullough, Delaware Dst)
(1896 Roll, Page 498, #1896, Charles H. McCullough, Delaware District)

The name of Rachel J. McCullough and her husband, Milton H. McCullough appear upon the authenticated roll of 1880, as well as the census roll of 1896, his name appearing on the roll of 1880, as M. H. McCollough. The name of her son, Charles H. also appears upon the census roll of 1896. They all being duly identified according to the page and number of the rolls as indicated in the testimony, the said Rachel J. McCullough and her son, Charles H. McCullough will be duly listed for enrollment as Cherokee citizens by blood; and her husband, Milton H. McCullough as a Cherokee citizen by intermarriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 5th day of October, 1900.

C A Shearin

COMMISSIONER.

#609

FILED
DEC 23 1902

Notary Public.

Appeared before me this December 18, 1905.

Appeared before me this December 18, 1905.

Notary Public.

Appeared before me this December 18, 1905.

Notary Public.

Appeared before me this December 18, 1905.

Notary Public

Cher
Supp'l to # 4007

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of MILTON H. McCULLOUGH, for the enrollment of himself as a citizen by intermarriage, and his wife, RACHEL J. McCULLOUGH, and his son, CHARLES H. McCULLOUGH, as citizens by blood, of the Cherokee Nation:

WILLIAM P. McCULLOUGH, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A William P. McCullough.
Q How old are you ? A Thirty two years old.
Q What is your post office address ? A Fairland.
Q Are you acquainted with Milton H. McCullough who is an applicant for enrollment as an intermarried citizen of the Cherokee Nation ?
A Yes sir.
Q Is he a relative of yours ? A Father.
Q What is his wife's name ? A Rachel Jane.
Q Is she a citizen by blood of the Cherokee Nation ? A Yes sir
Q Is she your mother ? A Yes sir.
Q Have your father and mother lived together as husband and wife from 1880 up to the present time ? A Yes sir.
Q They never have been separated since 1880 ? A They never have only one time my father made a trip to Illinois in 1891, visiting there, and stayed probably two or three weeks; that's the only time.
Q I asked if they had ever been separated; I meant if they had ever fallen out and quit living together as man and wife ?
A No sir, they have lived together continuously.
Q Well, were they living together as man and wife on the first day of September, 1902 ? A Yes sir.
Q They have lived in the Cherokee Nation since 1880 up to the present time ? A Yes sir.
Q He has lived all his life in the Cherokee Nation ?
A Yes sir.
Q Your mother and father are both living ? A Yes sir.
Q How old is your father ? A I think he is sixty three years old now.
Q What is the condition of his health ? A It is not good; he suffers from rheumatism, and can scarcely get around.
Q It would be hard for him to come here at this time ?
A Yes sir, I wouldn't say he couldn't come, but it would work a great hardship on him.

PHILLIP DONAHOO, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Phillip Donahoo.
Q How old are you ? A Thirty seven.
Q What is your business ? A I am a physician.
Q Do you know Milton H. McCullough ? A Yes sir.
Q Do you know his wife Rachel ? A Yes sir.
Q How long have you known them doctor ? A Since 1892.
Q What is Mr. McCullough's physical condition at this time ?
A Well, it is not very good, but for a man of his age it is fairly good.
Q Is he afflicted with rheumatism at all at this time ?
A I have treated him before I heard him complaining of that. I have been in the family frequently before I have ever treated him.
Q You haven't treated him then ? A No sir, I never did just treat him, but I have been in the family frequently to see

other members of the family.

Q. Since 1882 have he and his wife lived together all the time ?

A. Yes sir.

Q. They have never separated ? A. No sir.

Q. They have lived together as husband and wife up to the first day of September, 1902 ? A. Yes sir.

S. G. Bagwell, on oath states that he is stenographer to the Commission to Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

S. G. Bagwell

Subscribed and sworn to before me this December 16, 1902.

B. C. Jones
Notary Public.

32 # 4007

IN RE
THE DEATH OF

Milton H. McCullough
a citizen of the

Cherokee Nation.

Approved Dec 5 1904

E. R. Breckinridge
Commissioner.

DEC 7 - 1904

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Milton H. McCullough (Here insert name of deceased) a citizen of the Cherokee Nation, who formerly resided at or near Afton (Here insert name of post office), Ind. Ter., and died on the 21 day of August, 1904

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Charles H. McCullough, on oath state that I am 22 years of age and a citizen, by blood, of the Cherokee Nation; that my post office address is Afton (Here insert name of post office) Ind. Ter.; that I am son (State relationship as: the father; an uncle; a cousin, etc.) of Milton H. McCullough (Here insert name of deceased), who was a citizen, by adoption, of the Cherokee Nation; and that said Milton H. McCullough (Here insert name of deceased) died on the 21 day of August, 1904

Chas H McCullough

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 21 *day of* Nov *1904*

Samuel Foreman

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , on oath state that I am years of age, and a citizen, by , of the Nation; that my post office address is (Here insert name of post office) Ind. Ter.; that I was personally acquainted with (Here insert name of deceased) who was a citizen by , of the Nation; and that said (Here insert name of deceased) died on the day of , 1

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public.

C.F.B.

Cherokee 4007.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 9, 1907.

In the matter of the application for the enrollment of MILTON H. McCULLOUGH as a citizen by intermarriage of the Cherokee Nation.

CHARLES H. McCULLOUGH, being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Charles H. McCullough.
Q What is your age? A 24.
Q What is your post office address? A Fairland, I. T.
Q You appear here today, do you, on behalf of your father, Milton H. McCullough, who is an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Is he living or dead? A Dead.
Q When did he die? A August 21, 1904.
Q What is the name of your mother? A Rachel J. McCullough.
Q Is she living or dead? A Living.
Q Has she ever appeared before this office to give testimony relative to the right to enrollment of your father as a citizen by intermarriage of the Cherokee Nation? A No sir.
Q What is the condition of her health? Could she appear here if necessary? A I dont know whether she could or not; her health is bad; she has heart trouble.
Q Your father claims the right to enrollment by virtue of his marriage to your mother, Rachel J. McCullough, does he? A Yes sir.
Q Have you any evidence of a documentary character showing the marriage of your father and mother? A Yes sir.

The applicant presents an original marriage license showing that on October 1, 1868, license was issued by John L. Springston, Clerk District Court, Saline District, Cherokee Nation, authorizing the marriage of M. H. McCullough, a citizen of the United States, and Miss Rachel J. Adair, a citizen of the Cherokee Nation. On the back of said license appears a certificate signed by David Rowe showing that on October 6, 1868, he performed the marriage ceremony in accordance with the terms of said license.

Q From the time you can first remember did your father and mother live together as husband and wife until his death? A Yes sir.
Q And lived continuously in the Cherokee Nation, did they? Yes sir.
Q Did you ever hear of your father and mother being out of the Cherokee Nation since their marriage? A No sir.
Q They have always, since their marriage, to the best of your knowledge, considered the Cherokee Nation their home? A They have.

Q Have you been appointed to look after your father's estate?
A Yes sir.
Q You present here an instrument showing that you have been appointed as administrator of your father's estate. Do you desire that this be filed with the papers in this case?
A I have one of those, already signed, here.
Q To the best of your knowledge, was your father ever married prior to his marriage to you mother? A No sir.
Q You never heard that eh was? A No sir.
Q Did you ever hear that your mother was married prior to her marriage to your father? A No sir.

BY W. W. HASTINGS, ATTORNEY FOR CHEROKEE NATION:

Q How old are you? A 24.
Q You say that you never heard that your father was married prior to his marriage to your mother? A No sir.
Q You never heard it in any sort of way? A No sir.
Q I mean by that that you never knew of it personally, and that you never heard of it? A No sir.

The applicant, Milton H. McCullough, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 1769. His wife, Rachel J. McCullough, by virtue of his marriage to whom he claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation, is identified on the said roll, in said District, at No. 1770, and her name is on the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 9687.

"It will be necessary for you, Mr. McCullough, before the application for the enrollment of your father, Milton H. McCullough, as an intermarried citizen of the Cherokee Nation will be complete, to introduce the testimony of witnesses who have knowledge as to whether or not either your father or your mother was ever married prior to the time of their marriage."

(Witness excused).

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Sarah Waters.

Subscribed and sworn to before me this 12th day of February, 1907.

J. T. Gary
Notary Public.

W. H. McCullough

Marriage License

I hereby certify that the marriage ceremony was duly performed by me on the within License this the 6th of Oct A.D. 1808 [illegible]

Judge C.C.C. R.J. C.C.P.

Saline District }
Cherokee Nation }

Be it known to all whom it may concern that marriage license are hereby granted to W. H. McCullough a white man citizen of the United States to marry Miss Rachel J. Adair a citizen of the aforesaid Dist and Nation said W. H. McCullough having complied with the laws and customs of the Cherokee people and Nation and any of the judges of the several Courts of this Nation or any Regular ordained Minister of the gospel having the care of souls are hereby authorized to perform the marriage ceremony required and return the same with a certificate of service as the law directs

Given from under my hand and seal in office this the 1st day of October 1868

John L. Springston Clk
Dist Ct. Saline Dist Cher. Nat.

C.F.B. Cherokee 4007.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 23, 1907.

In the matter of the application for the enrollment of Milton H. McCullough as a citizen by intermarriage of the Cherokee nation.

Cherokee Nation represented by H. M. Vance.

J. F. Thompson, being first duly sworn by Walter W. Chappell, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q State your name and postoffice address? A J. F. Thompson, Tahlequah, Indian Territory.
Q How old are you? A Sixty-six years.
Q Were you at one time acquainted with Milton H. McCullough, who was the husband of Rachael J. McCullough? A Yes sir.
Q He is not living at this time? A No sir.
Q When did he die? A I think 2 or 3 years ago.
Q He was a white man, was he? A Yes sir.
Q What was his wife's name? A Rachael J. McCullough.
Q She was a Cherokee by blood? A Yes sir, sister to my wife.
Q Is she living at this time? A Yes sir.
Q How long have you known these persons, Milton H. McCullough and Rachael J. McCullough? A I have known Rachael J. McCullough since 1856, and I have known Milton H. McCullough since 1868.
Q When were they married? A They were married I think September, 1868.
Q Did you know both parties prior to their marriage? A No, I didn't know Milton H. McCullough intimately. I saw him; he was in the family of my mother-in-law; I was a tenant.
Q You were not personally acquainted with him? A No sir.
Q Was Rachael J. Adair ever married prior to her marriage to Milton H. McCullough? A No sir.
Q Was he, to your knowledge, ever married prior to his marriage to her? A Not that I know of.
Q Did you ever hear that he was? A I heard such a rumor but I never knw as to the truth of it.
Q But you never got any information as to whether or not it was true? A No sir.
Q You know that they continuously lived together as husband and wife from the time of their marriage until the death of Milton H. McCullough? A Yes sir.
Q Did you understand from what you heard that Milton H. McCullough was married prior to his marriage to Rachael J. Adair and that his former wife was dead at the time he married Rachael Adair? A Inhave no means of knowing.
Q You can give no information then, in regard to a former marriage or reputed former marriage? A No sir.

By Mr. Vance:
Q Do you know where he was said to have been married prior to his other marriage? A No, but I rather think it was Illinois, however.

Q You don't know the exact date? A No sir.
Q Or place? A No sir.
Q Do you know the name of the person to whom he is said to have been married? A No sir.
Q Do you know anybody in this country who would know the facts in the case? A No, I don't.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that theforegoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this February 23, 1907.

Walter M. Pappell

Notary Public.

C.F.B.

Cherokee 4007

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Milton H. McCullough as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, October 2, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Milton H. McCullough as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 31, 1902, and February 9, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Milton H. McCullough, is a white man, and claims the right to enrollment as a citizen of the Cherokee Nation by virtue of his marriage, in accordance with Cherokee law October 6, 1868, to one Rachel J. Adair; that the said Rachel J. Adair was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No. 1770, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 9687. It is further shown that since said marriage said parties have lived together as husband and wife, and have continuously resided in the Cherokee Nation. Said applicant is duly identified on the Cherokee authenticated tribal roll of 1880 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Milton H. McCullough is entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 23 1907.

Cherokee 4007. COPY

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the FiveCivilized Tribes, dated February 23, 1907, granting the application for the enrollment of Milton H. McCullough as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

SIGN[illegible]

Commissioner.

Enc I--29

RPI

Cherokee 4007

Muskogee, Indian Territory, February 23, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Milton H. McCullough as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee 4007

COPY

Muskogee, Indian Territory, February 23, 1907.

Milton H. McCullough,

Afton, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED [illegible]

Commissioner.

Enc I-30

RPI

Cher IW 225

Cher IW 225

3125-a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 22 1900

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 20, 1900.

In thematter of the application of Emeline L. Jones for the enrollment of herslef as a citicen of the Cherokee Nation; said Jones being sworn by Commissioner T. B. Needles, testified as follows

Q What is your name? A Emeline L. Jones.
Q How old are you? A 77.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A No, sir.
Q By inter-marriage? A My husband was adopted. John F. Jones is my husband, I am a widow. I was adopted after I come here.
Q You say your husband was John F. Jones? A Yes, sir.
Q Is he living? A No, sir, been dead 24 years.
Q Does your name appear upon any roll 1880? A Yes, sir, I drew a payment.
Q Whom do you apply for? A Myself and five step-children.
Q They are living with you? A No, sir, they are not living now with me.
Q Their mothers and fathers living are they? A No, sir; thier mothers are dead.
1880 enrollment; page 773, #1165, Emeline L. Jones, Tahlequah.

Q Were you enrolled in 1896? A They pretended to enroll me.
Q How long have you been living in the Cherokee Nation? A I have been living here ever since 1868.
Q Lived here continuously since 1868? A I went to Denver with my husband before he died. I went to New York and made a visit one.

W W. Hastings, Representative of the Cherokee Nation:

Q Were you livingin the Cherokee Nation in the year of 1880?
A Yes, sir, I washere that year.
Have you lived continuously since that time every year? A Yes, sir.
Q What has been your post office? A Sometimes at Tahlequah and some times at other places.
Q Where have you been for the past ten years, what has been your post office? A I have been here for the last nine years? My post office before I come here has been inopa.
Q You live here now? A Yes, sir.
Q You live here continuously? A Yes, sir.

Com'r Needles:--The name of Emeline L. Jones appears upon the authenticated roll of 1880, and she makes satisfactory proof as to her residence, and is dulyidentified upon said roll andhaving been fully identified, she will be duly listed for enrollment by this Commission as a Cherokee citizen by inter-marriage.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22d day of September, 1900.

Commissioner.

B 3125

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 20 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 20 1900 1900.

Name Vinita Jones

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Emiline L Jones

District TAHLEQUAH. Year 1880 Page 773 No. 1155

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

#3125

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 24th, 1902.

In the matter of the application of Emiline L. Jones for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to #3125.

J. J. Spencer, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. J. J. Spencer.
Q. How old are you? A. I am 62 years old, sir.
Q. What is your post office address? A. Vinita.
Q. Are you acquainted with the applicant in this case, Emiline L. Jones? A. Yes, sir.
Q. How old is she, about? A. Well, sir; I couldn't tell you. She must be way up in the eighties.
Q. Is she physically unable to come and testify in her own case?
A. Yes, sir.
Q. Is she a white woman? A. Yes, sir.
Q. How long have you known her? A. I have known her for 5 years.
Q. Have you known her continuously for five years? A. Yes, sir.
Q. Where has she been living during that time? A. Living right in Vinita.
Q. Is she a single woman, or a widow? A. She is a widow.
Q. She has been a widow ever since you have known her?
A. Yes, sir.
Q. Was she a widow on the first of September, 1902? A. Yes, sir.
Q. Has she been living in the town of Vinita for the past 5 years?
A. Yes, sir.

-:-:-:

C. F. B. Cherokee 3125.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 11, 1907.

In the Matter of the Application for the Enrollment of Emiline L. Jones as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:
James S. Davenport for Applicant.
Cherokee Nation represented by W. W. Hastings, Attorney.

James S. Davenport being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A James S. Davenport.
Q What is your age? A 42.
Q What is your post office address?
A Vinita.
Q Do you know a person in the Cherokee Nation by the name of Emiline L. Jones?
A Yes sir.
Q She is an applicant for enrollment before this office as a citizen of the Cherokee Nation?
A Yes sir.
Q Do you know whether or not she has received any notice from the commissioner of late, to come here and give testimony in her case?
A Yes sir, I do; she had me read the notice at one time and I was here the day that she should have appeared; I advised Mr. Bennett of the Commission that her physical condition was such that she couldn't come.
Q It will not be possible then for her to appear to give testimony in her case?
A No sir; I think not. She is an invalid and can only get around a little on crutches; it would be necessary for her to be hauled to the depot in some kind of a conveyance and helped on the train, and hauled from the depot up here. She has lived for the last 10 years within 150 feet of my home and I know her condition.

Miles C. Jones being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:
Q What is your name? A Miles C. Jones.
Q What is your age? A 62 years old.
Q What is your post office address?
A Dewey, Indian Territory.
Q You appear here to-day for the purpose of giving testimony relative to the right to enrollment of Emiline L. Jones as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q How long have you known Emiline L. Jones?
A Since 1868.
Q Is she related to you in any way?
A She is my brother's widow.
Q She is a white woman? A Yes sir.
Q You say she married your brother?
A Yes sir.

C. F. B. Cherokee 3128.

Q When did she marry him?
A To the best of my recollection, it was in October, '68.
Q Is your brother a white man? A Yes sir.
Q He neither claims nor possesses any Cherokee blood?
A No sir.
Q They were married in the Cherokee Nation?
A No sir; in Lawrence, Kansas.
Q Was your brother a recognized citizen of the Cherokee Nation at the time of their marriage?
A Yes sir.
Q How did he acquire citizenship in the Cherokee Nation?
A By special act of Council.
Q When was he admitted to citizenship in the Cherokee Nation by the special act of council?
A If I remember correctly, it was on the 7th of November, 1865.

The resolution of thanks to the Baptist Missionary Society of Boston, and an Act granting citizenship to Evan Jones and John B. Jones, made a part of the record in the case of John J. Harrison, N N 19, will be made a part of the record herein.

"Copy

Resolution of thanks to the Babtist Missionary Society of Boston; And, An Act granting citizenship to Evan Jones and John B. Jones.

Resolved by the National Council:
That our sincere thanks are hereby tendered to the Babtist Missionary Society of Boston.

It is now more than forty years since Missionaries of that Society came into the Cherokee Nation: When the Cherokees were poor and covered with darkness, light with regard to the other world was brought to us by Evan Jones, and at a later date by his son John B. Jones. And we do bear witness that they have done their work well, and that they have striven to discharge the duties incumbent upon them in doing good to the people, and performing faithfully their duties to God. And we bear witness that their work was highly prospered up to the time when they were driven out of our country by the United States Agents in 1861.

And now after the close of the war, we are informed that the Missionary Society have determined to resume their work in the Cherokee Nation. For their determination we do hereby return to them our thanks.

And we hereby declare; that it is our desire that they will more strongly than ever push forward their work of enlightening our land.

And we do further declare that we hold in high esteem Evan Jones, and his son J. B. Jones.

Now, therefore; Be it enacted by the National Council; That Evan Jones and John B. Jones be, and they are hereby admitted to citizenship in this Nation together with their families; and all the rights allowable to white men under the Constitution is hereby granted to them.

Our object in so doing is that out people may be instructed by them in good morals and general intelligence.

Smith Christie
Tahlequah C. N. Pres. N. Committee.
Nov. 7th, 1865. W. D. Reese, Clerk N. C.
Approved: Lewis Downing, Acting P. Chief.
A True Copy, W. D. Reese, Clk. N. Cont.

C. F. R. Cherokee 1128.

Fort Gibson, C. N.
February 11th, 1868.

I hereby certify that this paper is a true copy of the official one, now in the possession of Evan Jones.

J. B. Munson
1st Lieut. 6th U. S. Infantry
Judge Advocate.

Exhibit A."

Q Have you any evidence with you of a documentary character showing the marriage of Emiline L. Jones to John B. Jones?
A Yes sir.

The applicant presents an original marriage certificate which is too voluminous to be made a part of the record in this case but reads as follows:

"This is to certify that John B. Jones of Tahlequah in the Cherokee Nation, and Emiline L. Smith of Rodman in the State of New York, were by me joined together in holy matrimony on the 16th day of October, in the year of Our Lord 1868."
Signed Evan Jones, Minister of the Gospel, in presence of M. S. Beach and O. W. McAllester.

Q Is John B. Jones living at this time?
A No sir; he is dead.
Q When did he die?
A I don't know just exactly but I think it was in the early part of 1876. It was before the middle of the year; I know that by the fact that his family returned from Colorado where they had gone the year previous on account of his ill health. He became quite feeble and they went there in '75. They returned in perhaps the last of May or the first of June, 1876.
Q From the date of their marriage did John B. and Emiline L. Jones live continuously together as husband and wife until the death of John B. Jones?
A Yes sir.
Q And they lived continuously in the Cherokee Nation except the year they spent in ~~the Cherokee Nation~~ Colorado?
A Yes sir.
Q They didn't go to Colorado at that time for the purpose of making it their home?
A No sir; they went on account of his health.
Q Was Emiline L. Jones, John B. Jones' first wife?
A His second wife.
Q Was his former wife living or dead at the time he married Emiline L. Jones?
A Dead.
Q Was he Emiline L. Jones' first husband?
A Yes sir.
Q Since the death of John B. Jones, has Emiline L. Jones lived continuously in the Cherokee Nation?
A She has; I don't think she has ever been out.
Q She is living at this time?
A Yes sir; in the Cherokee Nation.

C. F. B. Cherokee Nat.

The applicant, Emiline L. Jones, is identified on the Cherokee authenticated tribal roll of 1880, Tahlequah District, No. 1186.

Q Emiline L. Jones has not married since the death of her husband, John B. Jones?
A No sir.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 14th day of January, 1907.

John E. Tidwell
Notary Public.

E.C.W. Cherokee 3125

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emeline L. Jones as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, September 20, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Emeline L. Jones as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 24, 1902, and January 11, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Emeline L. Jones, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation, other than such right as she may have acquired by virtue of her marriage, in October 1868, to one John B. Jones; that the said John B. Jones was not a Cherokee by blood, and acquired citizenship in the Cherokee Nation by virtue of his admission, November 7, 1865, by an Act of the Cherokee National Council admitting, among others, John B. Jones, to citizenship in the Cherokee Nation, and adjudging the applicants entitled to all the rights allowable to white men under the constitution of the Cherokee Nation. In view of the foregoing, it is considered that the applicant herein, Emeline L. Jones, did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Emeline L. Jones, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 6 1907

COPY.

Cherokee-3125.

Muskogee, Indian Territory, June 14, 1905.

W. S. Upham,

Coffeyville, Kansas.

Dear Sir:

The Commission is in receipt of your letter of June 5, 1905, asking to be advised as to the status of the application for the enrollment of Emiline L. Jones as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case, and will not until the question of the rights of applicants to enrollment as citizens by intermarriage of the Cherokee Nation has been finally determined by the Courts.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Cherokee
3125.

Muskogee, Indian Territory, December 24, 1906.

Emeline L. Jones,

Vinita, Indian Territory.

Dear Madam:

November 5, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

H.J.C.

Acting Commissioner.

Cherokee 3125

Muskogee, Indian Territory, February 6, 1907.

Emiline L. Jones,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-24
JMH

Commissioner.

Register.

Cherokee 3125

Muskogee, Indian Territory, February 6, 1907.

Starr & Patten,

Attorneys for Emiline L. Jones,

Vinita, Indian Territory.

Dear Sirs:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for the enrollment of Emiline L. Jones as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-26
JMH

Commissioner.

Cherokee 3125

Muskogee, Indian Territory, February 6, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 6, 1907, rejecting the application for the enrollment of Emiline L. Jones as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-25
JMH

Muskogee, Indian Territory, February 6, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Emiline L. Jones as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 6, 1907, denying said application.

Respectfully,

Encl.H-27
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:
Land 13138-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 6, 1907, enclosing the record in the matter of the application for the enrollment of Emeline L. Jones as a citizen by intermarriage of the Cherokee Nation, together with his decision of the same date adverse to the applicant.

The record shows that application was duly made to the Commission to the Five Civilized Tribes on September 20, 1900, for the enrollment of Emeline L. Jones as a citizen of the Cherokee Nation. Testimony was taken in the matter on October 24, 1902, and January 11, 1907. It appears that the applicant is a white women and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation except such as she may have acquired by reason fo her marriage in October, 1868, to one John B. Jones who was also a white, but acquired his citizenship in the Cherokee Nation on November 7, 1865, by an act of the Cherokee National Council, which declared that John B. Jones, among others, was entitled to all the rights allowable to white men under the constitution of the Cherokee Nation. The same act that admitted the per-

sons mentioned in it reads, "together with their families" but the applicant was not at that time a member of the family of John B. Jones. Her name appears on the authenticated roll of 1880 opposite number 1155.

In view of the fact that the applicant did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875, the Office is of the opinion that the decision of the Commissioner denying the application is correct and in accordance with the decision of the United States Supreme Court in the case of Daniel Red Bird, et al. vs. the United States, and it is recommended that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWR

JEJr

O.K.

DEPARTMENT OF THE INTERIOR,
Washington.

I. T. D. 4858-1907.
D.C. 12339-1907.

February 28, 1907.

L.R.S.
Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 23, 1907 (Land 13138), the Indian Office transmitted your report, dated February 6, 1907, in the matter of the application for the enrollment of Emeline L. Jones as a citizen by intermarriage of the Cherokee Nation, together with your decision of the same date, denying said application. The Indian Office concurs in your decision.

It appears that the applicant is a white woman, and neither claims, nor possesses, any right to enrollment as a citizen of the Cherokee Nation, except such as she may have acquired by reason of her marriage in October, 1868, to one John B. Jones, who was also a white, but acquired his citizenship in the Cherokee Nation on November 7, 1865, by an Act of the Cherokee National Council, which declared that he, among others, was entitled to all the rights allowable to white men under the Constitution of the Cherokee Nation.

Your attention is called to the opinion of the Assistant Attorney General for this Department, dated and approved February 9, 1907, in the case of Miles C. Jones et al., where-

in it was held that a white man adopted by act of the legislative council was in all respects of the status of a Cherokee citizen by blood, and that the decision of the Supreme Court of the United States in Red Bird v. the United States, has no reference to persons of this class.

In view of this opinion, your decision dated February 6, 1907, is hereby reversed, and you are directed to enroll said Emeline L. Jones as a citizen by intermarriage of the Cherokee Nations.

The papers in the case, together with a carbon copy hereof, have been returned to the Indian Office.

Copy of Indian Office letter, above referred to, is enclosed.

Respectfully,

(Signed) Jesse E Wilson
Assistant Secretary.

1 inc. and 2 inc.
for Ind. Of.

AFMc
3-1-07

Cherokee 3123

COPY

Muskogee, Indian Territory, March 6, 1907.

Mailine E. Jones,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior February 28, 1907.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Cherokee 3125

COPY

Muskogee, Indian Territory, March 8, 1907.

Starr & Patton,

Attorneys for Emiline L. Jones,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the application for the enrollment of Emiline L. Jones, as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior February 28, 1907.

Respectfully,

SIGNED *Tams Bixby*,

Commissioner.

HPI

Cherokee 3126

COPY

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Emiline L. Jones as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby,

Commissioner.

Enc I-14

RPI

Cher IW 226

Cher IW 226

COPY

This certifies that Boyd Leonidas Dobson formerly of Montgomery County Tennessee and citizen of the U. S. has complied with the requirement of our law "Regulating Intermarriage with white men", passed by the National Council and approved Oct 26th 1870, and has been recorded as a citizen in the Clerks office for Tahlequah Dist Cherokee Nation.

W. H. Turner Clk
Dist Ct. for Tahlequah
District Cherokee Nation.

This the 27th day of October 1870.

I, the undersigned, a Stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original instrument now on file in this office.

Lota M Champlin

Subscribed and sworn to before me this the 13th day of May 1907.

Frances Olive
Notary Public.

Cherokee I W 226

Muskogee, Indian Territory, 5/3 1907

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED

TRIBES ~~one copy of the testimony in~~ Marriage Certificate

in Citizenship Case Leonidas Dobson

Leonidas Dobson

~~Witness, for~~ Applicant.

Cher IW 227

Cher IW 227

EMPTY

Cher IW 229

Cher IW 229

D468

"a"

DEPARTMENT OF [illegible]
COMMISSION TO [illegible] ORGANIZED TRUSTS.
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEP., 29, 1900.

In the matter of the application of Nancy Reed for enrollment of herself, husband and five children, as citizens of the Cherokee Nation, said Reed being sworn by Commissioner Breckinridge, testified as follows:

Q What is your name? A Nancy Reed.
Q How old are you? A 38.
Q What is your postoffice address? A Zena.
Q In what district do you live? A Delaware.
Q Whom do you want to have put on the rolls? A Myself, husband and five children.
Q Do you apply for yourself as a Cherokee by blood? A Yes.
Q Is your husband a Cherokee by blood or white man? A White man.
Q Are you a native of the Cherokee Nation? A Yes.
Q Lived here all your life? A Yes.
Q What was your father's name? A Jess Woods.
Q Dead or alive? A Dead.
Q How long since he died? A About 15 years.
Q Give me your mother's name? A Mandy.
Q Is she dead or alive? A Alive.
Q Cherokee or white woman? A Cherokee.
Q Was your father a Cherokee? A No sir, white man.
Q Have you your marriage licence and certificate? A Yes.

The applicant presents a marriage certificate showing that on September 12, 1890, Nancy Miller was married to Joseph Reed by Rev. R. T Parks. That was your marriage to your husband? A Yes.

It is filed herewith.

Q This is not your first marriage? A No sir.
Q How many times have you been married before? A Twice.
Q When did you marry Miller? A About 23 years ago I guess.
Q What was your husband Miller,s full name? A Martin Miller.
Q Is he a Cherokee or white man? A Cherokee.
Q When did you marry him? A About 23 years ago.
Q Is he dead or alive? A Alive.
Q How long did you live with him as his wife? A About 4 years.
Q Then did you get a divorce from him? A Yes.
Q Is this a copy of the decree of divorce? A Yes.

Applicant files official copy of the decree of divorce between herself and her former husband, Martin Miller, dated September 3, '90. It is filed herewith.

Q Now you were married before that-- that was your second marriage to Miller? A Yes.
Q What was your first marriage? A William Woodard.
Q When did you marry him? A About 25 years ago.
Q How long did you and he live together as husband and wife? A 20 years .
Q Did he die? A Yes.
Q And he was dead when you married Miller? A yes.
Q Well, then in the year '80 you are on the roll as a Miller?
A yes.
Q Your present husband,s name is Joseph Reed? A yes.
Q What is age? A 49.
Q And he claims his citizenship by adoption through his marriage in '94 with Julia Chouteau. How do you present this marriage license and certificate that I hold in my hand as the paper on which your husban claims citizenship by adoption? Is this to establish your husband's claim? A I don't know, he didn't tell me to give it to you.

Upon further examination it appears that the date of the marriage license is 1874.

Q What was the name of his Chouteau wife? A Julia.

The applicant presents what is now disclosed to be a marriage license issued by the Clerk of Delaware district March 4, 1874, to

Joseph Reed authorizing his marriage to Joey or July Chouteau, and the certificate shows that they were united in marriage in March by the Judge of the District on the 5th of the same month and year? It is filed herewith.
Q How long did your husband live with July Chouteau? A I cannot tell you.
Q Is she dead? A Yes.
Q You do not know when she died? A He said she had been dead about 20 years.
Q Do you know whether they were separated before her death? A No sir, they were not separated.
Q Now you and your husband were married in '90 as shown here- 10 years ago? A Yes.
Q And your husband said that JulyyChouteau was dead 20 years ago? A yes.
Q You do not know the name of her fa her or mother? A No sir.
Q Now after July Chouteau died did your husband marry again? A No sir, not until he married me.
Q Give me the names of these children? A Looney Reed, 17 years old.
On '96 roll, page 523, number 2595, as Luna.
Q Next? A Lula Reed, 17 years old. (Twins.)
On '96 roll, page 523, number 2596.
Q Next? A Etty Reed, age 14.
On '96 roll, page 523, number 2597, as Etta.
Next? A John Reed, 12 years old.
On '96 roll, page 523, number 2598.
Q Next? A Pearl Reed, 10 yearsold
On '96 roll, page 523, number 2599.
Q These children are all alive now? A yes.
Q These are all the children of your present husband? A Yes.
Applicant on '80 roll, page 283, number 1636, as Nancy M. Miller.
On '96 roll, page 523, number 2594, as Nancy Reed.
Applicant's husband on '80 roll, page 304, number 2145.
On '96 roll, page 587, number 451.
Q Where is your husband at this time? A He is at home.
Q Has your husband lived in the Cherokee Nation ever since '80? A Yes.

The applicant applies for the enrollment of herself, husband and five children. She is identified on the rolls of '80 and '96 as a Native Cherokee, and states that she has lived in the Cherokee Nation all her life. Her change of name is established by the marriage certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood. Her five children are identified with her on the roll of '96 as native Cherokees. They are living at this time. They are all minors and will be listed now for enrollment as Cherokees by blood.

In regard to the enrollment of her husband: He is identified on the authenticated rolls of '80 and census rolls of '96, and she states that he has lived in the Cherokee Nation ever since '80. Now his enrollment in '80 as an adopted citizen is shown to have arisen from his marriage previous to that time to a former Cherokee wife. She is said to have died in '84, and the applicant is shown to have been married to her present husband in '90. Now she states that her husband was not married between the death of his former wife in '84 and his marriage to herself in '90, but she has applied for children 17 and 14 and 12 years of age, which she states are her children by this husband which shows that they lived together in some capacity before the marriage that is shown in the record. This discredits his whole conduct and throws doubts upon his citizenship status during the period intervening between the deadt of his first wife and his declared marriage to his present wife. Therefore, the application for his enrollment will be placed upon a doubtful card for further consideration.

The applicant now reveals since the foregoing was declared that her two children, Luna, and Lula Reed, are married; therefore their names will be stricken from the present enrollment and they will be required to make application for themselves.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

B McDonald

Subscribed and sworn to before me this 1st day of October, 1900.

C Wheeler

Commissioner.

24468

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 28 1900

"R"

ACTING CHAIRMAN.

DELAWARE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 29 1900 1900.

49 Name Joseph Reed, Jena D.

District DELAWARE. Year 1880 Page 304 No. 2143

Citizen by blood No. Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage 1896

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

3735

FO464

D468

D
1902

Copy of letter

Department of the Interior,
Washington, D. C.
April 1, 1902.

Gentlemen:

In the matter of the application of James Dean, Jr., for an allotment on the Uncompahgre Reservation, I have the honor to inclose herewith a copy of a letter of the Commissioner of Indian Affairs, dated March 31, 1902, and copies of the papers therein referred to, which are submitted for your consideration in connection with the application of Dean for an allotment on the Uncompahgre Reservation.

Very respectfully,

E. A. Hitchcock,
Secretary.

Messrs. Cotton & Hanna,
Montrose, Colorado.

D 468

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February [illegible], 1902.

In the matter of the application of [illegible], for the enrollment of himself as a citizen of the Cherokee Nation:

The applicant was notified by registered letter on February 11, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up by the Commission for final consideration on the 5th day of February, 1902, and that he could on said date appear before the Commission in person or by attorney, and an opportunity would be given him to introduce any further testimony affecting his application.

Receipt has been acknowledged of the Commission's letter.

Applicant having this day, to-wit: the 5th day of February, 1902, been called three times, and failing to respond either in person or by attorney, it is ordered that this case be closed, and reported to the Commission for final decision based upon the evidence now of record.

Commissioner.

CHAIRMAN

1903

Commission

Cher
Supp'l to D 468

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., February 11, 1903.

In the matter of the application of JOSEPH REED, for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation:

JOSEPH REED, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Joseph W. Reed.
Q How old are you ? A Fifty.
Q What is your post office ? A Zena.
Q Are you a white man ? A Yes sir, supposed to be.
Q Are you claiming the right to be enrolled as a citizen by intermarriage ? A Yes sir.
Q What is your wife's name ? A Nancy Reed.
Q Is she the wife through whom you are claiming your citizenship ?
A Yes sir.
Q Was she your wife in 1880 ? A No sir, I have been married twice, my first wife was Julia Chouteau.
Q Then she is the one through whom you are claiming ?
A Yes sir.
Q How long did you live with her ? A Why seven or eight years; I lived with her until she died.
Q She was your wife in 1880 ? A Yes sir.
Q You lived with her from 1880 until she died ? A Yes sir.
Q You have married since she died ? A Yes sir.
Q Your present wife is named Nancy ? A Yes sir.
Q She is your second wife ? A Yes sir.
Q Have you lived with her ever since you married her ? A Yes sir.
Q Was she ever married before ? A Yes sir.
Q Had she any living husband when you married her ? A Yes sir.
Q Is she a Cherokee by blood ? A Yes sir.
Q You say she had a living husband when you married her ?
A Yes sir.
Q Weren't they divorced ? A They were, yes sir.
Q Were they divorced when you married her ? A Yes sir.
Q She didn't have a living husband then ? A Why he was living of course.
Q Have you been residing in the Cherokee Nation ever since 1880 ?
A Yes sir.
Q Never lived anywhere else ? A No sir.

Examined by Mr. Hastings:

Q Had Julia Chouteau ever been married when you married her ?
A No sir.
Q Were you ever married before you married her ? A No sir.
Q Did you file a Cherokee license and all ? A Yes sir.
Q You lived with Julia Chouteau until she died ? A Yes sir.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this March 3, 1903.

Samuel Foreman,
Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252
William A. J. Trotter	3257
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R Greer	5576
Rosa M Sixkiller	5581
Nancy Inlow	5587
Daisey H Owen	5599
Annie R C Owen	5600
Jesse McKnight	5602
Cicero J Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
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Juan N. Corn	5748
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Frank McSpadden	5760
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Mamie Beck	5887
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John D. Merchant	5889
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Addie Hubbard	5949
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Nancy Beamer	5988
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Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
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Amelia Reese	6033
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John T. Ham	6042
Mary L. Jordan	6048
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Malissa Hubbard	6089
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Henry W. Pyeatt	6300
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Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
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Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
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Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
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James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
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Mary F. Foreman	7158
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Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
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William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
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Ella Gravitt	9439
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Harriett Forbes	9447
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Malinda Seabolt	9462
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Mollie Devine	9481
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Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
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Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
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Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
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George Givens	9658
Pheney Poorboy	9660
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Daniel Crail	9770
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Gailen E. Carrick	9855
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Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
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Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
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John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
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Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
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Fannie D. Perry	10055
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Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
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James R. Stout	10072
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Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
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Lucy E. Robards	10114
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Anna B. Tittle	10124
Richard A. Clark	10126
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Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
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Callie Inlow	10147
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Dora E. Hays	10150
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Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
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Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
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Frank M. Rucker		10222
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George A. Brown		10228
Drucilla Lowrey		10232
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Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
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David A. McGlamery	D	161
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Nora Hood	D	184
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Lovick P. Garrison	D	334
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Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied

.....

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

C. F. B. Cherokee D 468.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, February 6, 1907.

In the matter of the application for the enrollment of Joseph Reid as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person.

APPEARANCES:

Cherokee Nation represented by
W. W. Hastings, Attorney.

Joseph Reid being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Joseph Reid.
Q What is your age? A 54.
Q What is your post office address?
A Zena.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A No sir.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood of the Nation?
A Yes sir.
Q What is the name of the citizen by virtue of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Her name was Julia Cheutou.
Q Is she living? A No sir; she's dead.
Q When did you marry her? A In '74.
Q Was she a recognized citizen by blood of the Cherokee Nation at the time you married her?
A Yes, I suppose so.
Q Living in the Cherokee country? A Yes sir.
Q Was she a Shawnee?
A No, she was a Cherokee.
Q She wasn't admitted to citizenship after you were married,- she was recognized as a citizen prior to your marriage?
A Yes sir; she was recognized as a Cherokee citizen before I married her.
Q Was she your first wife? A Yes sir.
Q Were you her first husband? A Yes sir.
Q When did she die? A I think she died in '79.
Q When did you say you married her? A In '74.
Q From the time of your marriage to her, did you and she continuously live together as husband and wife until her death?
A Yes sir.
Q What was the name of her father?
A Her father was a Cheuton,- Paul I think.
Q What was her mother's name,
A I don't know as I can tell you her given name; her mother was dead when I married her; I think though it was Sarah Chambers.
Q When did her father die? A I can't tell you.
Q Did he die prior to your marriage to her?

A He died I think when she was small.
Q Did she have any brothers and sisters?
A She had one half sister.
Q What was the name of her half sister in 1880?
A Ann Kell I think was her half sister's name.
Q Did your deceased wife and her half sister, Ann Kell, derive their Cherokee blood from the same person?
A From the same mother; yes sir; I suppose so.
Q Where was your deceased wife born, do you know?
A No sir; I never heard her say.
Q Didn't she ever tell you where she was born?
A I suppose she did but I have forgotten it; as well as I remember I think she was born in the territory; I never heard her speak of being anywhere else.
Q Have you any evidence of a documentary character showing your marriage to her? I mean any license or certificate?
A Yes sir.

BY MR. HASTINGS.

Q Was your wife a Cherokee by blood? Julia Choutou?
A Yes, she was recognized as a citizen by blood.
Q You know Choutou is a Shawnee name and I am asking you if you are positive--
A All I know about it is that there are some Choutous up there that claim to be Shawnee but she never did; she is not related to them.
Q Do you know her mother's maiden name?
A I think she was a Chambers.
Q Who was her father,- Paul Chamber s?
A Yes sir.
Q Where did he live?
A I don't know; when he died he lived on Cabin Creek over here in the territory.
Q You think he died before your wife did?
A Yes sir.
Q Did your wife have any full brother or sister?
A No sir; none that I ever heard of.
Q Do you know whether your wife claimed hereCherokee blood through her father or mother or both?
A Through her mother.
Q And not through her father?
A I think she said her father claimed to be part Osage but she claimed her Cherokee blood by her mother.
Q She had a half sister by the same mother?
A Yes sir.
Q And what was her name? A Ann Kell.
Q Is she living? A No sir; she's dead too.
Q When did she die? A I can't tell you.
Q Before or after your wife died?
A After my wife died.
Q About how long?
A I don't have no idea how long.
Q Was Ann Kell an old woman; about what age was she when your wife died, say in '79?
A Somewhere along in 20 I reckon.
Q Was she unmarried?
A No, she was married when she died.

She married Nat Skinner.
Q Do you know who Ann Kell's father was?
A I seen him; his name was Lewis Kell.
Q And he was a Cherokee?
A Supposed to be; I don't know whether he was a Cherokee or not.
Q This half sister of your wife's, whose name was Ann Kell, married Nat Skinner?
A Yes sir; that's the way I understand it.
Q Did you live with your first wife until she died?
A Yes sir.
Q You and she were living together at that time?
A Yes sir.
Q And your last wife is a Cherokee? A Yes sir.

ON BEHALF OF COMMISSIONER.

Q Whom did you marry after the death of your first wife?
A I married Nancy Miller.
Q She was a Cherokee by blood?
A Always recognized as a Cherokee by blood.
Q Is she living? A Yes sir.
Q Is she on the final roll as a citizen by blood of the Cherokee Nation?
A Yes sir.
Q And has filed on her land? A Yes sir.
Q Were you ever married other than to these two women?
A No sir.
Q Since your marriage to your second wife, you and she have continuously lived together as husband and wife?
A Yes sir.
Q And in the Cherokee Nation? A Yes sir.
Q Your residence then has been continuously in the Cherokee Nation since your marriage to your first wife in 1874?
A Yes sir; never have lived nowhere else only right here in the Cherokee Nation.

The applicant presents a certified copy of the records of Delaware District, showing that on March 4, 1874, license was granted by J. E. Harlin, Clerk Delaware District, Cherokee Nation, authorizing the marriage of Joseph Reid, a citizen of the United States, and Josie Choutou, a citizen of the Cherokee Nation; and that said license was returned executed March 6, 1874. This instrument will be filed with and made a part of the record in this case.

The applicant, Joseph Reid, is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 2145.

C. F. B.

Cherokee D 468.

Mr. Reid, before the application for your enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to introduce the testimony og witnesses who were acquainted with your first wife and knew her family, and by whom you can establish that she was a citizen by blood of the Cherokee Nation at the time you married her, if she was such citizen.

Sarah Mayfield being first duly sworn by Mrs. Lyman K. Lane, Notary Public, testified as follows:

BY MR. HASTINGS.

Q What is your name? A Sarah Mayfield.
Q What is your age? A 70.
Q What is your post office address? A Oolagah.
Q Did you know Nat Skinner's first wife, who was Nan Skinner after he married her? A Yes sir.
Q Did you know Nan Skinner's mother's name?
A Yes; her name was Sarah Chambers.
Q That was her maiden name? A Yes sir.
Q You say you used to go to school with her before the war?
A Yes sir; I went to school with her.
Q She was a well recognized Cherokee citizen?
A Yes sir; she was.
Q Did you know her after the war? A No sir.
Q Did you know her children? A I knew Nat's wife.
Q Did you know that she had any other children?
A No sir; I didn't.
Q Did you ever know that she was married to a Chouteu?
A I didn't know it but I heard she was.
Q You never knew him while she was married to him?
A No sir.
Q Do you know whether or not she had any children while she was married to him?
A No sir; I don't; I just knowed her and went to school with her and then knowed her daughter, Nat Skinner's wife.
Q You didn't know any other children she had?
A No sir; I didn't.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 11th day of February, 1907.

J. L. Gary

Notary Public.

This is to certify that Joseph Reid
a citizen of the U States was Licens to
Marry Josie Cheuteu a Citizen of the
Cherokee Nation On March 4th 1874
And the Licens Return Executed And
hereby Recorded March 6th 1874 In
Conformity with the Act Entitled
And Act to provide for the Licensing
of Citizens of U States to Intermarry
With Citizen of the Cherokee Nation
Approved Oct. 15th 1855

J. E. Harlin Clerk
Del Dist C N

Clerk Office Delaware District Cherokee Nation this is to Certify by me the above 14 Lines is a true Coppy Trancribed from the Record Book of Marriage Now on file in the Clerk office Delaware District Cherokee Nation On this the 9th Day of January 1891

T J McKhee
Clerk Delaware District
Cherokee Nation.

(SEAL)

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of a certified copy of the original marriage records, which certified copy is now on file in this office.

Myrtle Hill

Subscribed and sworn to before me this the 13th day of February, 1907.

Charles W Chappell
Notary Public.

Cherokee D. 468.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph W. Reed as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on September 2[illegible], 1900, Nancy Reed appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment, among others, of her husband, Joseph W. Reed, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on February 11, 1903.

The evidence in this case shows that Joseph W. Reed, a white man, was lawfully married under authority of a Cherokee marriage license on March 5, 1874, to Julia Chouteau, named in the marriage license, "Joey Choutou," a citizen of the Cherokee Nation, who died prior to the marriage of Joseph W. Reed to his wife Nancy. The said Joseph W. Reed is identified on the Cherokee authenticated tribal roll of 1880 and also on the Cherokee census roll of 1896.

Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of Cherokee citizens "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 666 of the Compiled Laws of the Cherokee Nation (1892), is as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The evidence in this case shows that Joseph W. Reed secured rights of Cherokee citizenship through intermarriage with his first wife, Julia Chouteau, and that subsequent to her death he was lawfully married to his present wife Nancy, a Cherokee citizen by blood.

The evidence further shows that Joseph W. Reed has lived in the Cherokee Nation continuously since 1880, and has lived with his present wife, Nancy, in the Cherokee Nation since his marriage to her up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Joseph W. Reed should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, I. T.,

this _____

10

D468

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1902

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902

Mrs. Nancy Reed,

Zena, Indian Territory,

Madam:-

You are hereby notified that the application of Joseph Reed

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 27th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with marriage certificate of Joseph Reed to yourself; also license.

Yours truly,

Cherokee D-468
Register.

Acting Chairman.

Cherokee D-1466.

Vinita, Indian Territory, January 26, 1903.

Joseph Reed,

Zena, Indian Territory.

Dear Sir:-

You are hereby notified that before your application for enrollment as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary that you introduce before the Commission, testimony showing your status as a citizen by intermarriage of the Cherokee Nation on September 1, 1902.

This testimony should be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 17, 1903.

You are requested to present this letter when you appear for the purpose of introducing this testimony.

Respectfully,

Acting Chairman.

RP

Cherokee D-468.

Vinita, Indian Territory, March 10th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith for decision, the record in the matter of the application of Joseph Reed, Cherokee D-468, the same being now deemed complete.

Respectfully,

Clerk in Charge.

Enc. C-67.
JOC.

Cherokee No.
D. 468

Muskogee, Indian Territory, January 18, 1907.

Joseph Reed,

Zena, Indian Territory.

Dear sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 468

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 29, 1907

Joseph Reed,

Care of T. S. Rennen, N.P.

Grove, Indian Territory.

Dear Sir:

Receipt is acknowledged of an affidavit executed by you on January 23, 1907, relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation.

In reply you are advised that on January 10, 1907, the Commissioner to the Five Civilized Tribes rendered his decision denying, among others, your application for enrollment as a citizen by intermarriage of the Cherokee Nation, and on the same date said decision was forwarded to the Secretary of the Interior for review.

For your information there is quoted to you the following provision of the Act of Congress approved April 26, (34 Stat., 137):

".....and no motion to reopen or reconsider

and citizenship cases, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order of decision sought to be reconsidered, except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: . . . . ."

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

Secretary of the Interior.

Sir:

January 10, 1907 the Commissioner to the Five Civilized Tribes rendered his decision denying, among others, the application for the enrollment of Joseph Reed as a citizen by intermarriage of the Cherokee Nation.

Said decision was on January 28, 1907 (K.T.D.1286-1907), affirmed by the Department.

Further proceedings had in this case at Muskogee, Indian Territory, February 6, 1907 show that the decision of the Commissioner in the case is erroneous.

The records show that Joseph Reed, a white man, was married in accordance with Cherokee law March 4, 1874 to Josie Reed, nee Chouteau, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. It is further shown that from the time of said marriage until the death of said Josie Reed, which occurred in 1879, the said Joseph Reed and Josie Reed resided together as husband and wife and continuously lived

in the Cherokee Nation. It is also shown that on September 12, 1899 Joseph Reed was married to Nancy Reed, formerly Hiller, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No.1625 as a native Cherokee, and whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation opposite No.9660. It is further shown that from the time of said marriage the said Joseph Reed and Nancy Reed resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

In view of the decision of the Supreme Court, dated November 5,1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, it is respectfully recommended that the Department recsind its said decision of January 26, 1907, so far as it relates to this applicant, and that the application for the enrollment of Joseph Reed as a citizen by intermarriage of the Cherokee Nation be granted. The record of proceedings had in the case is inclosed.

Commissioner.

Through the Commissioner
of Indian Affairs.

MGW - GMC

W. W. HASTINGS,
ATTORNEY

OFFICE OF

H. R. VANCE,
SECRETARY

Attorney for the Cherokee Nation,

MUSKOGEE, I. T. February 21, 1907.

Muskogee, Indian Territory, February 22, 1907

Arthur F. McGarr,

Room 116 Department of the Interior,

Washington, D.C.

Dear Sir:

There are enclosed herewith copies of three letters addressed to the Department under dates of February 18 and 21, 1907, recommending that the Department rescind its decision of January 26, 1907, adverse to Joseph Reed, and reverse the Commissioner's decision of January 10, 1907, adverse to Mary J. Thompson and Louvena Alberty, applicants for enrollment as citizens by intermarriage of the Cherokee Nation, and that they be enrolled.

In the event the Department concurs in the Commissioner's recommendation in these cases, data from which schedules containing their names can be prepared is as follows:

Reed, Joseph,	51	M	
Alberty, Louvena	50	F	5891
Thompson, Mary J.	64	F	5492.

Respectfully,

Encl. B-37

Commissioner

L M B

Cherokee
Deed 416

Muskogee, Indian Territory, February 23, 1907.

Joseph Reed,
Zena, Indian Territory.

Dear Sir:-

There is returned herewith marriage license issued by the clerk of Delaware District, Cherokee Nation, authorizing the marriage of yourself and Julia Choteau, copies of same having been retained in the files of this office.

Respectfully,

HSS
23-1

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington. February 27, 1907.

Land
18969-1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby dated February 18, 1907, relative to the application for the enrollment of Joseph Reed as a citizen by intermarriage of the Cherokee Nation.

On January 26, 1907 (I T D 1395-1907), the Department affirmed the decision of the Commissioner of January 10, 1907, denying, among others, the application of Joseph Reed.

It is shown by the record, however, that the applicant is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation under the decision of the Supreme Court in the case of Daniel Red Bird, et al. vs. The United States, and it is recommended that the Department rescind its decision of January 26, 1907, so far as it relates to this applicant, and that he be enrolled as a citizen by intermarriage of the Cherokee Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJV-EN.

(COPY) S P E C I A L JP.

DEPARTMENT OF THE INTERIOR,
Washington, FHE
March 1, 1907.

I T D 9948-1907 LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with your recommendation of February 18, 1907, you are authorized to enrol Joseph Reed as a citizen by intermarriage of the Cherokee Nation, and the decision of the Department of January 26, 1907, adverse to him, is rescinded.

It is shown that he was married in accordance with the Cherokee law, to his first Cherokee wife, a citizen by blood, in 1874.

A copy of Indian Office letter of February 27, 1907 (land 18969-07), submitting your report and recommending that the party be enroled, is inclosed.

A copy hereof and the papers in the case have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

1 Inc. & 3 for Ind. Of.

A F Ms
3-2-07

Cherokee D468

COPY

Muskogee, Indian Territory, March 8, 1907.

Joseph Reed,

Zena, Indian Territory.

Dear Sir:

You are hereby advised that the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior March 1, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc I-1

RPI

Cherokee D
468

COPY

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Joseph Reed as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior March 1, 1907.

For your information, there is enclosed herewith copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Enc I-2

KPI

Cherokee
10999

Muskogee, Indian Territory, March 26, 1907

Davis, Mason & Bland,

Afton, Indian Territory.

Gentlemen:

In reply to your letter of March 26, 1907, in which you request to be advised the status of the Cherokee intermarried case of Joseph Reed, you are advised that on March 1, 1907, the application for the enrollment of Joseph Reed as a citizen by intermarriage of the Cherokee Nation was granted by the Secretary of the Interior. Mr Reed will be advised of his final enrollment number when the schedule containing his name is returned to this office approved by the secretary of the Interior.

Respectfully,

L M B

Acting Commissioner

468

BLIND
JAN
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1907
RECD

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
JAN 29
5-PM
19 07
IND.T.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Joseph Reed,
c/o T. S. Renner, M. P.,
Grove, Indian Territory.

AFTER 30 DAYS RETURN TO

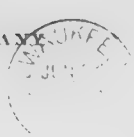
TO

INTERNATIONAL HARVESTER COMPANY
OF AMERICA.

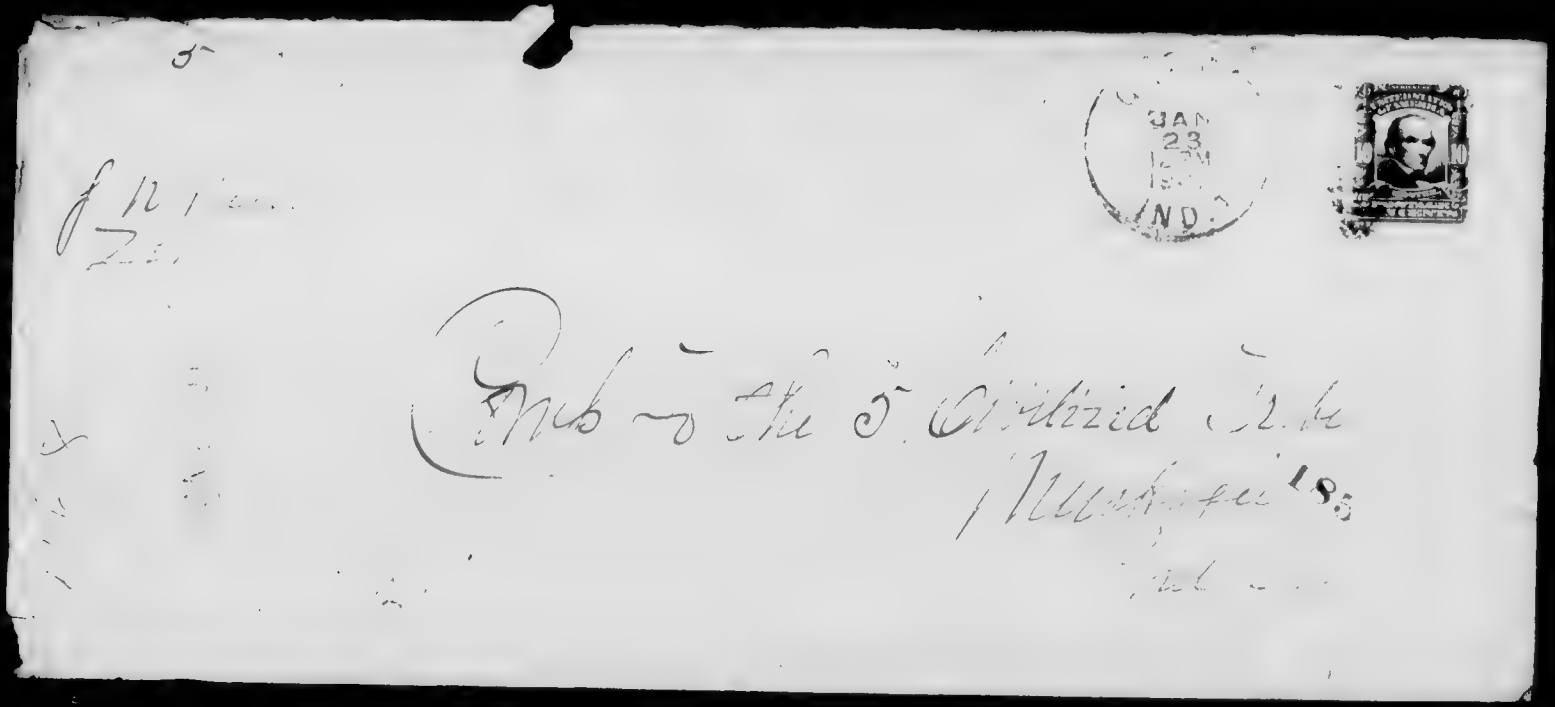
MILWAUKEE, WIS., U. S. A.

THE MILWAUKEE WORKS

TRADE MARK



v. J. M. Reed



T. S.
Notary Public
NAVA.

J. W. Reed
Zena

JAN 23
1907
IND. T.

JAN 25 1907

Pub of the 5. Civilized Tribes
Muskogee
Ind Terr.

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Rec 2/21.

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Cher IW 230

Cher IW 230

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Cher IW 231

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Cher IW 233

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 26 1901
Tams Bixby, Acting Chairman

COPY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

In the matter of the application of John W. Gleeson for enrollment as a citizen of the Cherokee Nation; said Gleeson being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John W. Gleeson.
Q How old are you? A I will be 52 years old the 13th day of next August.
Q What is your post office? A Muskogee here.
Q What district? A Canadian District.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir
Q By blood or intermarriage? A By marriage.
Q Who do you want to enroll? A John W. Gleeson.
Q Anybody else? A No, sir.
Q When were you married? A There is my license. (Hands papers to Commissioner.)

Tribal Books of the Cherokee Nation examined and applicants name found thereon as follows:
1880 Authenticated roll; page 20, #542, Jno. W. Gleeson, Canadian district.
1896 Census Roll; page 87, #97, John W. Gleeson, Canadian district.

Com'r:-- Applicant presents satisfactory proof of his marriage to one Clarry Crittendon, a Cherokee citizen by blood, on the 21st day of January, 1873.

Q Is your wife living? A No, sir.
Q When did she die? A About 12 years ago.
Q Have you married since? A No, sir.
Q Have you always lived in the Cherokee Nation since you were married? A Yes, sir.
Q Are you living in the Cherokee Nation now? A Yes, sir.
Q Did you live with your wife continuously from the time you married her until her death? A I come down here to make a place; I lived in Going Snake district and then I come downhere to make a place and then she come down here and went back and she died before I got ready to have her come down here.
Q You say she died 12 years ago? A Yes, sir.
Q You married her in 1873? A Yes, sir.
Q Did you live with her from the time you were married until she died? A No, sir.
Q Were you ever separated? A Yes, sir; I tell you why, because she had a negro baby after I married her, and the Cherokees told me, the Cherokees and all told me I had a right to quit her because she did not do right.
Q When did you quit her? A I can't tell you just exactly.
Q Well about what time? A I could not tell you.
Q Were you ever divorced from her? A No, sir, never was divorced in the world.
Q How long did you live with her after you married her? A I could not tell you exactly.
Q About how many years? A We lived together a good while.

Q She never had but the one child? A No, sir.
Q Is it living? A No, sir.
Q About how old was the child when it died? A About eight years old.
Q You say she had a negro baby? A Yes, sir.
Q Did you live with her until that time? A No, sir.
Q How long did you live with her before that? A I can't tell you that.

Q You can estimate about that, Mr. Gleeson; did you live with her two years? A Yes, sir.
Q Three years? A Yes, sir, more than that.
Q Five years? A I don't know whether I lived that long.
Q Between three and four years? A Yes, sir.
Q Then how long after that did she have this colored baby?
A Just a little while. She married again, her own cousin, after she had that negro baby. She left me altogether.
Q Had you left her before? A I came down here to make her a place and left her on the place up yonder?
Q Up where? A In Goingsnake district.
Q You left her in Going Snake district and come down to Canadian district? A Yes, sir.
Q How far was that? A Perhaps 20 miles.
Q Never lived with her afterwards? A I have been back there to see her but never made my home up there.
Q Well now, how long was it after you left her until she had this colored baby? A It must have been more than a year or two.
Q When you left her you did not know that she was going to have the colored baby did you? A No, sir.
Q Then what made you leave her? A I did not leave her; I come down to make a place here in Canadian district and before she come down she had the negro baby; her and the negro come down here and she had the negro baby and she had a husband with her.
Q And you left her about a year before that? A She never knowed a stranger; she had a bastard before I married her; she told me that it was a legal marriage; everybody could use her.
Q Didn't you know that when you married her? A No, sir; I come down here from Missouri and rented a place and first my father and I rented a place and when I was making a crop there they persuaded me to marry her; and they told me that she was a widow.
Q Was she a full blood? A She was not more than a quarter indian.
Q Now, you left your wife before 1880 did you? (No response.)
Q You say you were married in 1873? A Yes, I was down here before 1880; she had that youngen before 1880.
Q You have never married since? A Never married since.
Q Had all the experience you wanted in that line, did you? A I lived up to the Cherokee laws.
Q Have you always been recognized as a Cherokee citizen by intermarriage? A Yes, sir.
Q Have you voted? A I have, sir.
Q Right along? A Yes, sir.
Q Do you own any property? A Oh! I have a good farm and never have been interrupted.

Com'r Needles:-- The name of John W. Gleeson appears upon the 1880 authenticated roll as well as the census roll of 1896 as an intermarried citizen. He makes satisfactory proof of his marriage to his wife, Clarry Crittendon, a Cherokee citizen by blood, in the year 1873. The testimony develops the fact that he separated from his wife after living with her some three or four years but that separation occurred before 1880. Since 1880 he has never been remarried; consequently said John W. Gleeson will be duly listed for enrollment as a Cherokee citizen by intermarriage.

---ooo000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rosson

Subscribed and sworn to before me this 23d day of February, 1901.

T.B. Needles
Commissioner

1340 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 21 1901

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. Can.

CHEROKEES BY BLOOD AND ADOPTION.

82

Date FEB 21 1901 1900.

1 Name John H. Gleason Muscogee I.T.

District Can. Year 1880 Page 20 No. 562

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes.

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

No. 1 on 1880 roll as John H. Gleason.

1240

License Granted
to
John M. Gleason

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 21 1901

ACTING CHAIRMAN

This is to certify that I solemnized the ceremony of matrimony between John W. Gleason and Clarry Crittenden this the 21 January A.D. 1873

J. R. Whitmire
Judge dist Court
G. T. D. C. N.

D.A.
Marriage Certificate
of
John W. Gleason
&

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
FEB 21 1901
ACTING CHAIRMAN

Cher. Nation & Be it known that authority is
Going S. Dist & hereby granted to any of the
Judges of any of the Court of this Nation
To all Ministers of the gospel having the
Care of Souls are hereby authorized & empow-
ered to solemnize the rights of matrimony
according to the ceremonies usually observed
in such cases between John. W. Gleason &
unmarried citizen of the U. States to
Miss Clara. Crittenden a Cherokee citizen
the said John w. Gleason having complied
with the law in such cases

Given from under my hand
in Office this day & date the 6th of
January A. D. 1873

J. M. Starr
Clk. Dist Ct
G. F. Dist
Cher. Natn

7340

IN RE
THE DEATH OF
John W. Gleason
a citizen of the
Cherokee Nation.
by Intermarriage.

Approved JAN 1907 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JAN 9 1907

COMMISSIONER

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of John W. Gleason (Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Muskogee (Here insert name of postoffice.), Ind. Ter., and died on the 30th day of November, 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, ..., on oath state that I am ..... years of age and a citizen, by ....., of the ..... Nation; that my postoffice address is ..... (Here insert name of postoffice.), Ind. Ter.; that I am ..... (State relationship: as the father; an uncle; a cousin, etc.) of ..... (Here insert name of deceased.) who was a citizen, by ....., of the ..... Nation and that said ..... (Here insert name of deceased.) died on the ..... day of ....., 1.....

WITNESSES TO MARK:

(Must Be Two Witnesses)

Subscribed and sworn to before me this ..... day of ..... 190.....

Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, John G. Fieber, on oath state that I am 34 years of age, and a citizen by nativity of the United States ~~Nation~~; that my postoffice address is Muskogee (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with John W. Gleason (Here insert name of deceased.) who was a citizen, by adoption, of the Cherokee Nation; and that said John W. Gleason (Here insert name of deceased.) died on the 30th day of November, 1903.

WITNESSES TO MARK:

John G. Fieber

(Must Be Two Witnesses)

Subscribed and sworn to before me this 5th day of January 1907.

Edward Merrick

Notary Public.

COPY

C.F.B.

Cherokee 7340.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 17, 1907.

In the matter of the application for the enrollment of JOHN W. GLEESON as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: W. W. Hastings, Attorney for Cherokee Nation; John G. Lieber, Executor of estate of the applicant, John W. Gleeson.

MARGARET CRITTENDON, being first duly sworn by Chas. W. Webster, Notary Public, testified as follows:

BY MR/ HASTINGS:

Q What is your name? A Margaret Crittendon.
Q How old are you? A 66, will be in the spring.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Cherokee Nation? A Well, I reckon so.
Q You claim citizenship by intermarriage? A Yes sir.
Q What was your husband's name? A Mose Crittendon.
Q Did you know the applicant during his lifetime, John W. Gleeson? A Yes sir, I knowed him.
Q Did you know his wife, through whom he claims citizenship by intermarriage in the Cherokee Nation? A Yes sir.
Q What was her name? A Her name was Clary Crittendon before she married Gleeson.
Q Was she related to you or to your husband? A She was my stepdaughter.
Q Was living with you and your husband at the time of her marriage to John W. Gleeson, was she? A Yes sir.
Q Where were you living at the time of this marriage? A On the prairie, about 12 milses this side of Siloam.
Q In Going Snake District? A In Going Snake District.
Q Do you remember the circumstances of their marriage, were they married at your house? A No sir, they went to the Clerk's and got married.
Q Where did they live, then, after they married? A In about a mile of us.
Q On a place of their own? A Yes sir.
Q Did they build a house? A It was a place my man give them.
Q That was her father? A Yes sir.
Q How long did they continue to live there? A Well, something about 2 or 3 year; I dont recollect just exactly the time.
Q Well, did they separate? A Yes sir.
Q What became of John W. Gleeson? A Why, he went off down in Canadian.
Q Came off down here in Canadian from up there? A Yes sir.

Q What became of her, Mrs. Gleeson? A She stayed up there on the prairie awhile, then she went to Arkansas Bottoms, and died.
Q You mean she lived there? A No sir.
Q Immediately after the time he left her, what became of her? A He left her at my house.
Q Well, did he ever come back up there? A Yes sir, he come back.
Q How long had he been gone? A I dont recollect just the time; maybe 5 or 6 weeks.
Q Had he made a trip down here in Canadian District? A Yes sir.
Q What did he come back for, do you know? A Well, he had taken her cattle, and he came to get a bill of sale.
Q How do you know that? A Because he said so.
Q Did she have some cattle that he removed off? A Yes sir.
Q Is she living now? A No sir, she is dead.
Q Has been dead some time? A Yes sir, a good while; I dont know just how long.
Q Do you remember how may cattle of hers he removed from there down here? A 8 or 10 head; something like that.
Q Do you know whether or not she know that there was a separation when he first moved those cattle? A No sir, she didn't think of such a thing.
Q What was said, if you know, when he first moved the cattle? A He was going down there to get a place, and was going to come back and get her, and move down there.
Q And he went in advance, with the cattle? A Yes sir.
Q You say in about 6 weeks he returned? A Yes sir, maybe not that long.
Q Now, where did he leave from when he went with the cattle? Did he leave her at your place? A He left her where they was living.
Q And said he was coming back? A Yes sir.
Q And he did come back in about 6 weeks? A Yes sir.
Q What did he say to her then? A He told her he was not going to live with her any more.
Q She was at your house when he came back? A Yes sir.
Q How long did he remain? A He stayed a few days.
Q Did he live with her any more? A No sir, he never did.
Q Where did she make her home immediately thereafter? A She went and stayed with her grandmother.
Q Did her grandmother live there in the neighborhood? A Yes sir; in about 10 miles of me.
Q How long did she stay at your house after Gleeson left before she wnt to her grandmother's? A A week or two, something like that; I dont know just how long.
Q After that time did she and Gleeson ever live together? A No sir, he never did come back any more.
Q Do you remember where he went? A He come back in Canadian.
Q About how far was that from where they had formerly lived?
A It was in Going Snake.
Q How far was it from the Arkansas line; what was the post office?
A Wagoner.
Q Not while he was in Going Snake District? A Yes sir. O, no sir, it was Cincinnati. It has been so long I forgot.
Q Your present post office is Wagoner? A Yes sir.

Q Then you were about 8 or 10 miles from the line of Arkansas?
A Yes sir.
Q And he came off down here in Canadian, did he? A Yes sir.
Q Do you know about how far that was from his former home in Going Snake District? A I dont know just how far.
Q was it 50 or 60 miles? A About that, something like that.
Q What became of those cattle? A Why, her father come back here, and took the cattle and sold them, and carried the mony to her.
Q That was your husband? A Yes sir.
Q His name was, what? A Moses Crittendon.
Q He is also dead, is he? A Yes sir.
Q Do you know what was the attitude of Mrs. Gleeson toward Mr. Gleeson; as to whether she was kind toward him, or whether they were falling out or not? A She was always kind to him.
Q Did you know of any reason that he had for going off and leaving her? A No sir, I did not.
Q About how long did you say they lived together there? A Something between 2 and 3 years.
Q Did they have any children born to them? A One.
Q Boy or girl? A Boy.
Q And how long did they live together after the birth of that child? A Not a great while; it was just a small baby.
Q Was there any dispute about the parentage of that child? A No sir
Q Never any dispute? A No sir.
Q Did he ever dispute being the father of it? A No sir.
Q Was any question raised about it at any time? A No sir.
Q When it was not because of the fatherhood of this child that they separated? A No sir.
Q Do you know what reason he had, if any, for leaving her? A No sir, I dont.
Q Did he give any reason? A No sir, he never did.
Q All you know is that he got up and left her. A Yes sir, she thought he was coming back, but when he come he told her he wouldn't live with her any more.
Q Did they have any other property beside those cattle? A Well, he had some horses.
Q Did he take those? A Yes sir, carried all the stock with him.
Q Do you remember whether they had any hogs, or any other stock?
A Cattle and horses was all they had.
Q He took the cattle and horses with him? A Yes sir. The cattle was hers.
Q What about their household effects? A He taken a little in the wagon, and the balance he left.
Q And you say the the place upon which they lived was given to her by her father? A Yes sir.
Q She retained that, did she? A Yes sir.

BY MR. LIEBER:

Q Now, Mrs. Crittendon, you say that Gleeson left there to come down to Canadian to start a place? A Yes sir.
Q That was agreeable to his wife, wat it? A Yes, I suppose so.
Q You never heard anything to the contrary? A No sir.

Q How long did you say he was gone from home when he went to Canadian? A I dont know just how long; about 6 weeks as well as I can recollect.
Q What time of the year was it that he went to Canadian? A In the summer time, but I dont know just when.
Q What time of the year was it when he returned home? A I dont recollect that.
Q And you are positive that he was not away from home but 6 week? A That is the best of my knowledge; I dont recollect just how long; maybe not quite so long, maybe a little longer.
Q You are not positive about the length of time that he was gone? A No sir.
Q Now, this child that his wife had was born while he was down here in Canadian? A No sir, he was at home when it was born.
Q Was it before he went to Canadian to establish the place that the child was born? A Yes sir.
Q What was the name of the child? A I believe that they called it William.
Q William what? A William Gleeson.
Q Is the child living? A No sir, it is dead.
Q How long did it live, Mrs. Crittendon? A I dont know just how long it did live; maybe one year old, or two years; she went to Arkansas Bottoms, near Fort Smith.
Q Did you ever see her after she left home? A No sir.
Q Did the child die before she left? A It died after she went to the Bottoms.
Q About how old was the child when she left? I dont recollect; it mght have been a year old, maybe.
Q You never saw this woman after she left you place that time? A No sir, not after she went to Arkansas Bottoms.
Q Did you ever see old man Gleeson after he left you place there that time, when you say he said he wouldn't live with her any more? A No sir, never saw him any more.
Q You do not know how long his wife lived after she left you place? A No sir, I dont know how long it was.
Q You do not know of your own personal knowledge how long the child lived. A The child died first.
Q You simply heard that? A I sent my brother to get the child when I heard it was dead; that is how I know the child died first.
Q Where was she living when you sent your brother to her? A Arkansas Bottoms, not far from Fort Smith.
Q What was his name? A Isaac Howell.
Q Is he living? A No sir, he is dead.
Q Can you swear, of your own personal knowledge, Mrs. Crittendon, that Gleeson's wife never lived with him after he returned to the Canadian District the second time? A No sir, she never did.
Q How do you know that she didn't? A Because she lived close to me, and he lived down here.
Q You say she left your place for the Arkansas Bottoms? A No, she went to her grandmother's, and stayed awhile, then she married again, and went to the Bottoms.
Q Who did she marry the second time? A I dont know what the fellow's name was
Q How long after Gleeson left her the second time was it when she married again? A Some 2 or 3 year

Q What was the name of the second man that she married? A I dont know: . I did know, but I have forget.
Q Did he marry her while she was at her grandmother's? A Yes sir.
Q After she left her grandmother's you never saw her any more?
A No sir, I never did.
Q Then, as a matter of fact, Mrs. Crittenden, you do not know of your own personal knowledge that she didn't live with old man Gleason after he came back her to the Canadian District?
A I never did know of it; she lived within 10 miles of me until she married and went to the Bottoms.
Q You never saw her in the wottoms yourself? A No sir, I never did
Q Did she ever have a child by this second husband? A If she did, I never heard it.
Q How far was her grandmother's place from where you lived?
A About 10 miles.

Q Did you see her frequently while she lived at her grandmothers?
A No sir, I was not up there ofter; when I was there I saw her.
Q Did you get up there twice a year? A Yes sir, I would go that oftem.
Q And you say you do not know the name of her second husband?
A I did know it, but I have forget it; I dont recollect his name
Q He was related to her, was he, Mrs. Crittenden? A I dont know whether he was or not.
Q How many children did she have before she left that neighborhood
A she had 2. If she had any more I dont recollect anything about it.
Q She had one child before she married Gleason, didn't she?
A Yes sir, had one before she married Gleason.
Q Had she ever been married before she married Mr. Gleason?
A No sir, she hadn't.
Q Now, you say that when Gleason came back there he told her that he was not going to live with her any more? A Yes sir.
Q Did you hear the conversation that they had then? A Yes sir.
Q Just tell the Commissioner the converstion they had at that time, as near as you can give it. A Well, that would be hard to do. He just told her he was not going to live with her any more; he was not going to take her and live with her any more.
Q Now, they had had some talk about it before he told her that, hadn't they? A Well, if they had, I didn't know anything about it.
Q Were you present while they were having their little dispute?
A They didn't have no dispute that I know of, but when he come back he told her he was not going to take her, and he was going back.
Q Was she living at your house, then, when he came back? A Yes sir
Q How long was he there? A He didn't stay but 2 or 3 days.
Q How long had he been back when he told her that he was not going to live with her any more? A He came in the morning, and told her that evening.
Q And then after that he stayed a few days, did he? A Yes sir, a day or two.
Q You say she had that second child at that time? A Yes sir.
Q Where did Gleason sleep, then? A He selpt in a bed to himself.
Q In the same room with his wife? A well, we just had two rooms, and I dont recollect just where he slept, but he slept to himself, and she slept to herself.

Q Had they slept that same way before he left? A Well, I dont know; if they ever slept separate I dont know it.
Q Who was the father of this first child that this woman had?
A I dont know, but we thought it was Will Williams.
Q It was an illegitimate child? A Yes sir.
Q Do you swear positively that there was not a dispute between Gleason and his wife about who was the father of the second Child? A No sir, he claimed that it was his, for he come to me and asked me to raise it when he quit his wife.
Q Did you ever see the second man that this woman married? A No sir.
Q Never saw him? A No sir.
Q You do not know what he looked like? A No sir.
Q Do you know whether he was an Indian, a white man, or what?
A I dont know what he was.
Q Did this woman get a divorce before she married that fellow?
A I dont know whether she did or not; in them days they didn't get divorces when they separated.
Q How long did Gleason and that woman live together? A Something like 2 or 3 years; I dont know just how long.
Q Are you certain that they never lived together longer than 4 years? A No sir, I know they didn't.
Q They were married, I believe, in 1873, werethey not? A I dont recollect.

BY MR. HASTINGS:

Q How long did you know Gleason before he married this woman?
A May be 5 or 6 months; not over that.
Q Did he live there in the neighborhood? A Right in our house.
Q Then he knew that this woman who afterward became his wife, had this illegitimate child? A Certainly he knew it, and I told him to treat the child right.
Q Then he knew that she had this child at the time he married her?
A Yes sir, I told him all about it.
Q Did John W. Gleason's wife ever come to Nanadian District before they separated? A No sir.
Q You say that she lived up there at her grandmother's about a year after they separated, and that her grandmother lived about 10 miles from you? A Yes sir.
Q And she married while at her grandmother's, and then moved to Arkansas River Bottoms? A Yes sir.
Q Did you hear of her while she was at Arkansas Bottoms? A Heard of her often.
Q What was this woman's second husband's name. A I can't recollect it.

BY MR. LIEBER:

Q Who subpoenaed you, Mrs. Crittendon?

BY MR/ HASTINGS:
I object to that, because I believe it is irrelevant and immaterial as to who subpoenaed this witness; it does not have any bearing upon the truthfulness or untruthfulness of the statement, and tends in no way to throw any light upon the question as to whether or not the applicant, John W. Gleason, abandoned his wife or not.

OBJECTION NOTED.

BY MR. HASTINGS:

Q Who subpoenaed you? A Mr. Kelly.
Q Lige Kelly? A Yes sir.

BY MR. LIBBEY:

Q Your family, and Lige's family are related? A Mr. Kelly is related to my man.
Q What relation is he? A I dont know exactly.
Q Kelly's wife was a Crittenden, wasn't she? A No sir, she was no Crittenden; Kelly's mother was a little kin to my man
Q Lige is the fellow that is trying to file on old man Gleason's place, is he? A I dont know nothing about it.
Q Didn't he tell you about that when he subpoenaed you? A No sir, I thought I was told to come here about my own business, and didn't know the difference until I got here.

BY MR. HASTINGS:

Q And you have made application for enrollment today, have you? A Yes sir.
The Cherokee Nation desires to offer here, and have quoted in this evidence, Section 667, of the Compiled Laws of the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER:

The request of the Attorney for the Cherokee Nation will be granted, and said section is as follows:

"Sec. 667: Every person who shall lawfully marry under the provisions of this act, and afterward abandon his wife shall thereby forfeit every right and privilege of citizenship in this Nation."

BY MR. HASTINGS:

The Cherokee Nation rests.

ON BEHALF OF THE COMMISSIONER:

The representative of the applicant, and the Attorney for the Cherokee Nation announce that they have no further evidence to introduce. This case will be considered closed, and a decision rendered on evidence heretofore introduced.

The under signed, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and correct transcript of her stenographic notes thereof.

Sarah Waters.

Subscribed and sworn to before me this 18th day of January, 1907.
(SEAL)

B. F. Rasmus
Notary Public.

A M

E.C.M. Cherokee 7340

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Gleeson as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 21, 1901, application was received by the Commission to the Five Civilized Tribes, for the enrollment of John W. Gleeson as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 15, 1902 and January 17, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John W. Gleeson, is a white man, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation, other than such right as he may have acquired by virtue of his marriage, January 21, 1873, to one Katie Gleeson, nee Crittenden, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. Said Katie Gleeson was a daughter of one Moses Crittenden, a native Cherokee, who is identified on the Cherokee Authenticated Tribal Roll of 1880, Goingsnake District, No. 331, marked "Dead". The said Katie Gleeson can not be identified on the Cherokee Authenticated Tribal Roll of 1880. It is further shown that about the year 1878, said John W. Gleeson abandoned the said Katie Gleeson and thereafter refused to live with her. Section 667, of the Cherokee Constitution, provides: "Every person who was lawfully married under the provisions of this act, and afterwards abandon his wife, should thereby forfeit every right and privilege of citizenship of this nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated, November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127, 128, the said applicant, John W. Gleeson, is not entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30th. Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 9 1907

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee No.7340.

In the matter of the application for the enrollment of John W. Gleason as a citizen by intermarriage of the Cherokee Nation,

BRIEF ON BEHALF OF APPLICANT.

We believe the Commissioner and the Attorney for the Cherokee Nation are entitled to know the motives which have prompted the investigation in this case. Not that we object to the investigation but to the motives which prompted it. We therefore give a brief history of the matter.

On November 30th., 1903, John W. Gleason, the applicant, died possessed of some personal property and a valuable farm located a few miles east of Muskogee, Indian Territory. He had resided on the farm continuously about twenty-five years before his death, and the Cherokees had never questioned his right as an intermarried citizen of the Nation. Some time prior to his death, he executed a will reciting that he had neither wife nor child, and bequeathing all his property, after the payment of his just debts, including his allotment in the Cherokee Nation (which he had theretofore selected) to the Catholic Church at Muskogee, of which he was a member. Some time prior to his death he came to Muskogee for medical attention, leaving his farm and all other property in charge of his neighbor, William Stranks, to whom he had rented the place for the ensuing year.

The applicant had scarcely been laid in his grave when the covetous eye of a worthless scoundrel thought it saw an opportunity to get something for nothing, and Lige Kelly, under cover of night "jumped" the applicant's farm and laid claim to it; not as an heir of the applicant, but solely on the ground that the applicant had no right to dispose of it by will, and that he (Kelly)

being a Cherokee citizen, had a right to take the land in allotment. Kelly, it seems, had no trouble in getting attorneys to cooperate with him in his selfish schemes, and when Stranks demanded of him possession of the place, he refused to surrender possession, and compelled Stranks to institute suit in the United States Court for possession of the premises. Stranks obtained judgment for possession, and the case was appealed by Kelly to the Court of Appeals at South McAlester, where it was recently dismissed by that Court.

Kelly and his counsel, no doubt dispairing of depriving the applicant's legatees of this property through the courts, had but one other way to deprive them of it, and that was to prevent him from being enrolled as a citizen of the Cherokee Nation. This they are now attempting to do, and to hide their selfish motives they allege that the applicant abandoned his Cherokee wife, and thereby forfeited his citizenship in the Cherokee Nation. This is the only question in the case, and to prove this alleged abandonment, they have produced but one witness, who is the step-mother of the applicant's wife.

The record in this case shows that on February 21,1901, the applicant appeared before Commissioner Needles and testified as to his right to enrollment. At that time not a word of protest was uttered by the representatives of the Cherokee Nation as to his right of enrolment. Commissioner Needles, after seeing the applicant and hearing his testify, was of opinion, and so stated in the record, that he was entitled to enrolment. On October 15, 1902, the applicant again appeared before the Commissioner and testified regarding his enrolment matters, and again we hear no word of protest from the Cherokee Nation as to his right to enrolment. But now, after a lapse of thirty years, and after the applicant's voice has been stilled in death, Kelly and his coharts raise the cry of abandonment. Is it not singular that in all that thirty years the Cherokee Nation should not have found that the applicant had abandoned his wife and refused to enroll him as a

citizen? There is every reason to believe that at the time of this alleged abandonment, the Cherokee authorities knew the facts regarding it, and for that reason declined to protest against this applicant's enrolment, for we find that in 1880, which was a few years after the alleged abandonment is said to have taken place, the Cherokees enrolled the applicant as one of their citizens. Again in 1896, and after Kelly and all others had had nearly twenty years in which to produce evidence regarding this alleged abandonment, we find the Cherokees enrolling this applicant as one of their citizens on their Census Roll of that date. The Cherokees, no doubt, viewed their law of abandonment in the broad legal sense, andnot in the narrow minded sense which Kelly and his counsel would have the Commissioner view it. "Desertion or abandonment consiste in the voluntary separation of one spouse from the other for the prescribed time, without the latter's consent, without justification, and with the intention of not returning."
(14 CYC.611.-. "The party who drives the other way by force or misconduct, and causes the separation, is guilty of desertion although the guilty party continues to reside in the matrimonial home." (9Am. & Eng. Enc.Law,-2nd Ed.-page 770.).

Misconduct causing a separation is desertion.

Morris vs Morris, 20 Ala. 168;
Levering vs Levering, 16 Md. 213.
Daeters vs Daeters, (N.J.1897) 38 Atl. 950.

In Stocking vs Stocking, 76 Minn. 292, 79 N.W. 668, it was held that "it is a sufficient justification if the party withdrawing from the cohabitation, has reasonable grounds for believing, and does honestly believe, that by reason of the actual misconduct of the other it cannot be longer continued with health,safety or self respect."

In the case of Warner vs Warner, 54 Mich.492, it was held that "desertion under the statute, is the wilful abandonment of one party by the other without cause, and against the will of the party abandoned, for the period of two years. If the husband's conduct is so cruel towards his wife that she cannot live and cohabit with him with safety to her health or without peril to her life, or if she

has good reason to believe she cannot, and for such reason she leaves him and abandons his home, she does not thereby commit the crime of desertion. In such case she does not leave her husband or her home in consequence of any wilfulness on her part, but is compelled by the cruelty of her husband, and against her will, so to do. The desertion in such case is upon his part, and not upon hers. He has completely committed the crime of desertion when, by his cruel conduct and conversation, he compels her for safety to leave him and his home, as when he wilfully and without cause leaves and abandons her."

In the case of Thompson vs Choctaw and Chickasaw Nations, 11th Annual Report of Commission to Five Civilized Tribes, page 132, it was held by the Choctaw and Chickasaw Citizenship Court that, although Thompson left his citizen wife he was justified in doing so, and was therefore not guilty of abandonment, and did not forfeit his rights as a citizen by intermarriage.

While the evidence in this case is somewhat conflicting, it is certainly not sufficient upon which to base a finding that the applicant left his wife without just cause, and thereby forfeited his rights as a citizen by intermarriage.

The undisputed testimony shows that the applicant married his Cherokee wife in January, 1873; that prior to that time she had given birth to an illegitimate child: that the applicant and his wife lived together in Going Snake District some three or four years after their marriage, when the applicant, with the consent of his wife, went to Canadian District to establish a home: that he went back to Going Snake District to see his wife and returned to Canadian District: that about two years thereafter she married another man without having obtained a divorce from the applicant, and that all this occured prior to 1880. These are the undisputed facts in this case.

The disputed facts are as follows. The applicant testified that at the time he married this woman she was represented to him as a widow, and that he did not know that her child was illegitimate. This

is denied by Mrs.Crittenden, his mother-in-law. The applicant further testified that after he went to Canadian District his wife gave birth to a negro baby, and it was for that reason that he refused to live with her. This is also denied by Mrs.Crittenden, but she is unable to give any reason why the applicant refused to live with his wife.

The following is a portion of the evidence given by the applicant before Commissioner Needles.

> Q. When you left her you did not know that she was going to have a colored baby did you? A. No, sir.
> Q. Then what made you leave her? A. I did not leave her: I come to make a place here in Canadian district and before she come down she had the negro baby; her and the negro come down here and she had the negro baby and she had a husband with her."

The Cherokee law does not say how long a man must live apart from his wife to be guilty of abandonment, and we are not sure that the applicant's wife was not guilty of abandonment upon the admitted facts in this case, by marrying another man within two years after the applicant refused to live with her, without first having obtained a divorce from him. But be that as it may, it is clear from the applicant's testimony that her conduct was such that he could not with self respect, continue to live with her as his wife.

We submit that under the law and the evidence in this case, the applicant was not guilty of abandonment, and that he should be enrolled as a citizen of the Cherokee Nation by intermarriage.

Respectfully submitted,

John G. Lieber, as Representative of the Executors of the Last Will and Testament of John W.Gleason, deceased.

Service of a copy of the foregoing brief is hereby acknowledged this 26" day of January, 1907.

W.W.Hastings,

Attorney for Cherokee Nation.
H.M.V.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. Gleeson as a citizen by intermarriage of the Cherokee Nation.

Reply of the Cherokee Nation.

Counsel representing the executors of the last will and testament of John W. Gleeson, the applicant, has taken occasion to file a brief in this case in which he criticises the motive that prompts John D. Kelley and his attorneys in contesting the enrollment of John W. Gleeson. With this the Cherokee Nation has nothing to do and is in no wise concerned and is only concerned with the question of whether or not the said John W. Gleeson under the testimony and law is entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation. There is but little testimony introduced.

John W. Gleeson testifies in substance that the was married in Goingsnake District and claims to have been married to Katie, also known as Clara Crittenden. After living with her a while he admits having gone to Canadian District, as he states, for the purpose of making a place, and this is some 50 or 60 miles distant. He puts up two excuses in his testimony. At first he states that he went down to make a place in Canadian District, intending to go back for his w wife, and second, he justifies his desertion of his wife by saying she gave birth to a colored baby. Now these two excuses are inconsistent, and we think the second charge justifies us in saying that from his testimony alone it is clear that he deserted this woman. Lets see when she was accused of having a colored baby, from his own testimony. On page 2 of his testimony given February 1, 1901, this question was asked him:

"Q. Well now how long was it after you left her until she had this colored baby? A It must have been more than a year or two."
"Q. When you left her you did not know that she was going to have a colored baby, did you? A No sir."

In the above testimony he admits leaving her, and he admits that

he did not know that she was going to have an illegitimate child, and therefore of course that was not the moving cause for his leaving his wife, and brushing that aside, he gives no excuse for the desertion of his wife.

Upon the other hand, Margaret Crittenden, the stepmother of the wife of John W. Gleeson, testifies that John W. Gleeson wilfully deserted her and went off and left her and went down to Canadian District; that he used every effort to, and did finally suceed in moving her cattle down there, but that her father went down and succeeded in getting the money for them. He did pretend that he was going first down to Canadian District and was coming back, but as soon as he returned he told his wife that he was not going to live with her any more, and his wife went off to live with her grandmother she afterwards married some one whose name was not remembered. Gleeson only testifies that they had one child, and Mrs. Crittenden this was born in lawful wedlock; that he never doubted the paternity of the child; that in fact it was never questioned.

Section 667 of the Compiled Laws of the Cherokee Nation provides

"Every person who shall lawfully marry under the provisions of this act and afterwards abandon his wife shall thereby forfeit every right and privilege of citizenship in this Nation."

We contend from the testimony of Gleeson himself that it shows that he left his wife, that he left her without cause; and that in fact there was no justification of it. He attempts to give as a reason for leaving her that she had an illegitimate child, but is is shown from his own testimony that the illegitimate child was not the moving cause for his leaving her, but that it was born some year or two afterwards. Next to the concluding line of counsel representing the applicant brief is as follows:

"But be that as it may it is clear from applicant's testimony that her conduct was such that he could not with self respect continue to live with her as his wife."

We challenge any one to show in the applicant's testimony a single line that would reflect upon his wife prior to his leaving

[illegible] the only reflection [illegible] attempts to exculpate his wife [illegible] year [illegible] after his desertion [illegible] of her, and the testimony introduced on behalf of the Cherokee Nation is clear and conclusive that he left her, left her without cause, took her cattle and attempted to dispose of them, and came back and told his wife that he did not intend to live with her and at that time no child, except the one born to them in lawful wedlock, had been born to them; there was no dispute about the paternity of that child.

We submit under section 667 of the Compiled Laws of the Cherokee Nation, and the evidence in this case that the applicant was guilty of abandoning his wife and therefore should not be enrolled as a citizen by intermarriage of the Cherokee Nation.

Respectfully submitted,

(signed) W W Hastings
Attorney for the Cherokee Nation.

Muskogee, I. T., February 4, 1907.

Service of a copy of the above accepted this February 4, 1907.

Attorney representing the executors of the last will and testament of John W. Gleason.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.
RECEIVED
FEB - 4 1907

REFER IN REPLY TO THE FOLLOWING:
Cherokee
7340

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 26, 1906.

John W. Gleeson,

Muskogee, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,
Wm. O. Beall,
Acting Commissioner.

GHL

Muskogee, Indian Territory, January 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony taken before the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, January 17, 1907, in the matter of the application for the enrollment of John W. Gleesen, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-50.
HJC

Commissioner.

Muskogee, Indian Territory, January 21, 1907.

John G. Lieber,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the testimony taken before the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, January 17, 1907, in the matter of the application for the enrollment of John W. Gleesen, as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl.HJ-51.
HJC

Commissioner.

Cherokee 7340

Muskogee, Indian Territory, February 9, 1907.

John G. Lieber,

Administrator for the estate of John W. Gleeson.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 9, 1907, rejecting the application for the enrollment of John W. Gleeson, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enc I-36
RPI
Register.

Cherokee 7380

Muskogee, Indian Territory, February 9, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 9, 1907, rejecting the application for the enrollment of John W. Gleeson as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enc I-37.

Muskogee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of John W. Gleeson, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 9, 1907, rejecting said application.

Respectfully,

Commissioner.

Enc I-38
RPI
Through the Commissioner
of Indian Affairs.

COPY.

Refer in reply
to the following:
Land
15079-1907
18200-1907

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

Washington, February 23, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Therein enclosed a communication from the Commissioner to the Five Civilized Tribes, dated January 9, 1907, transmitting the record relative to the application of John W. Gleason for enrollment as an intermarried citizen of the Cherokee Nation, together with his decision of February 9, 1907, rejecting the application.

There is also enclosed a communication from Reverend William H. Ketcham, director of the Bureau of Catholic Missions of this city, dated February 19, 1907, concerning the application.

Father Ketcham says that Gleason as an intermarried citizen of the Cherokee Nation bequeathed some very valuable property to the Catholic Church of Muskogee; that the Commissioner to the Five Civilized Tribes held that the applicant was not entitled to enrollment; and that this holding has caused intense feeling among the members of the congregation referred to, some of whom are the best legal talent in the Indian Territory; that they have appealed to him to do everything in his power to procure a

careful and thorough consideration of the case by the Department, believing that if its merits are properly brought out by investigation a decision favorable to the church will be rendered. He expresses the opinion that a great deal can be said on each side and he says that he is anxious to do his duty as a representative of the church; and that he desires to be in a position to impress upon the Muskogee congregation that they have no grounds whatever for complaint should an adverse decision be rendered against their contention.

Father Ketcham goes on to say that he feels confident that the Department and this office will deal out even-handed justice, and that as far as he is concerned he is satisfied to leave the matter entirely to the Department and Office; but in order to avoid any chance whatsoever for resentment on the part of the people in question, in case of an adverse decision, he suggests the advisability of the record in the case being submitted to the Attorney General, with request that he render an opinion in the case, and says that in the event the opinion is unfavorable there can be no possibility of any reasonable displeasure from any quarter.

The fourth of March is now distant only eight working days, and into that brief period it will be necessary to crowd an immense amount of work, either now in this Office or to be

sent here within a week, on enrollment cases. The Congress having declined to extend the period within which the Secretary of the Interior could approve or disapprove enrollments in the Five Civilized Tribes, the only thing left for the office is to hurry through as fast as possible the disposal of this multitude of cases and trust to grouping a number, here and there, under some rule of precedent and devoting such brief time as may remain to a hasty survey of the decisions of the Commissioner to the Five Civilized Tribes in all miscellaneous cases.

The John W. Gleason case seems to belong in the miscellaneous remnant, and there would probably be left for it scant time for consideration. In view of Father Ketcham's interest in this case and his representation of the feelings of the people most concerned on one side, I have consented to transmit it to the Department without passing any judgment whatever on its merits, for the Secretary of the Interior, if he regards such course as advisable, to refer to the Attorney General as requested.

Very respectfully,

F.E.Leupp,

Commissioner.

GAW-GH.

COPY.

DEPARTMENT OF JUSTICE.

Washington.

February 26, 1907.

The Secretary of the Interior.
Sir:

I beg to acknowledge the receipt of your letter of the 25th instant, requesting my opinion upon the Cherokee enrollment case of John W. Gleason. It appears from the record in this case that Gleason applied to the Commission to the Five Civilized Tribes on February 21, 1901, to be enrolled as a citizen by intermarriage of the Cherokee Nation. Upon the testimony adduced before him at that time, Commissioner Needles held:-

The name of John W. Gleason appears upon the 1880 authenticated roll as well as the census roll of 1896 as an intermarried citizen. He makes satisfactory proof of his marriage to his wife, Clarry Crittendon, a Cherokee citizen by blood, in the year 1873. The testimony develops the fact that he separated from his wife after living with her some three or four years but that separation occurred before 1880. Since 1880 he has never been remarried; consequently said John W. Gleason will be duly listed for enrollment as a Cherokee citizen by intermarriage.

Some further testimony was taken in this case on October 15, 1902, by which it appeared that Gleason had lived in the Cherokee Nation all the time since 1880.

January 17, 1907, this case appears to have been again taken up by the Commissioner to the Five Civilized Tribes. At the hearing then had, the Cherokee Nation, by its attorney, introduced testimony tending to show that Gleason, after living

with his wife two or three years, had abandoned her. Gleason, it appears, died November 30, 1903, bequeathing all his property, including the allotment in the Cherokee Nation, which he had theretofore selected, to the Catholic Church at Muskogee.

On February 9, 1907, the Commissioner to the Five Civilized Tribes rendered the following decision:

The records of this office show: That at Muskogee, Indian Territory, February 21, 1901, application was received by the Commission to the Five Civilized Tribes, for the enrollment of John W. Gleason as a citizen by intermarriage of the Cherokee Nation? Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 15, 1902, and January 17, 1907.

The evidence in this case shows: That the applicant herein, John W. Gleason, is a white man, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage, January 21, 1873, to one Katie Gleason, nee Crittenden, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. Said Katie Gleason was a daughter of one Moses Crittenden, a native Cherokee, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No. 331, marked "Dead". The said Katie Gleason can not be identified on the Cherokee authenticated tribal roll of 1880. It is further shown that about the year 1878, said John W. Gleason abandoned the said Katie Gleason and thereafter refused to live with her. Section 607 of the Cherokee Constitution provides: "Every person who has lawfully married under the provisions of this act, and afterwards abandons his wife, should thereby forfeit every right and privelege of citizenship of this nation."

It is, therefore, ordered and adjudged: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, John W. Gleason, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30th Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

In the case of Red Bird v. the United States the Supreme Court affirmed the decree of the Court of Claims, which held that white persons who intermarried in the Cherokee Nation prior to November 1, 1875, were entitled to share in the distribution of the tribal property and to be enrolled for such purpose. The Supreme Court also affirmed that portion of the decree of the Court of Claims which held that white men who, having intermarried Cherokee women, subsequently abandoned their Cherokee wives were not entitled to participate in the distribution of the tribal property or to be enrolled for such purpose. It will be observed that the decision of the Commissioner is based upon the fact, found by him, that Gleason abandoned his wife. The testimony is conflicting upon this point, but the matter is immaterial from my point of view, because I think that, under the law, the Commissioner had no authority to go behind the Cherokee roll of 1880, upon which the name of Gleason appeared.

Section 21 of the Act of June 28, 1898 (30 Stat., 495, 502), provides:

> That in making rolls of citizenship of the several tribes, as required by law, the Commissioners to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents by reason of their Cherokee blood,

have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It will be observed that the act of June 10, 1896, confirmed all the rolls of citizenship of the several tribes as then existing, and that the act of June 7, 1897, provided that the words "rolls of citizenship", as used in the act of June 10, 1896 should be construed to mean "the last authenticated rolls of each tribe which have been approved by the counsel of the Nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the counsel of such nation, the duly authorized courts thereof, or the Commission, under the act of June tenth, eighteen hundred and ninety-six."

The Act of June 28, 1898, limits the confirmation of Congress to the Cherokee roll of 1880, and specificallydirects the Commission "to enroll all persons now living whose names are found on said roll." The authority given the Commission to eliminate from the tribal rolls those placed thereon by fraud or without authority of law is also expressly limited to "any other rolls", meaning any other than the roll of 1880, which was

confirmed. It seems to me clear, therefore, that if due effect is to be given to the language used by Congress in this act, the Commissioner was bound to enroll Gleason, since his name appeared on the Cherokee roll of 1880, and he was a resident of the nation at the time of the passage of the act of June 28, 1898, as required therein.

In the Red Bird case the Supreme Court held that the confirmation given to the roll of 1880 "was not intended to create any rights which citizens of the Cherokee nation had not before enjoyed, but merely to furnish the basis for making up the roll of citizens." By this it evidently meant that although a person was upon the roll, he was not, because of that fact alone, entitled to share in the distribution of the tribal property. But where, as here, a person belonged to a class entitled to share in the distribution of the tribal property, and the only question was as to whether he had forfeited his citizenship, the fact that his name appeared on such confirmed roll must be held to remove that question from the realm of controversy, he being a resident of the Nation as required by the act of June 28, 1898. To hold that the Commission could go behind the roll of 1880 and investigate the right to citizenship of persons whose names appeared thereon would be to put that roll on exactly the same

footing as the other rolls of the tribes which were not confirmed but expressly left open to investigation.

As I understand it, that part of the decree of the Court of Claims in the Red Bird case, affirmed by the Supreme Court, in regard to "married out and abandoned whites" has no reference to a case of this kind.

I am, therefore, of the opinion, that Gleason was entitled to be enrolled.

Respectfully,

Charles J. Bonaparte,

Attorney General.

SPECIAL.

J.P.
O.K.

DEPARTMENT OF THE INTERIOR.

I.T.D. 6252-1907
6472- "
L.R.S.
Direct.

Washington,
March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The following telegram to you, of March 1, 1907, is hereby confirmed:

"It is held in opinion of Attorney-General of February 26th that John W. Gleason (see your decision of February 9th adverse to applicant), who married his Cherokee wife in 1873, and is alleged to have separated from her prior to 1880, is entitled to enrollment. He is on the 1880 roll.
The Attorney-General states: "In the Red Bird case the Supreme Court held that the confirmation given to the roll of 1880 'was not intended to create any rights which citizens of the Cherokee Nation had not before enjoyed, but merely to furnish the basis for making up the roll of citizens.' By this it evidently meant that although a person was upon the roll he was not, because of that fact alone, entitled to share in the distribution of the tribal property. But where, as here, a person belonged to a class entitled to share in the distribution of the tribal property, and the only question was as to whether he had forfeited his citizenship, the fact that his name appeared on such confirmed roll must be held to remove that question from the realm of controversy, he being a resident of the Nation as required by the act of June 28, 1898".
You will enroll Gleason. You are directed to inform the Department by wire at once of all analogous cases in which the claimants should be enrolled. "

A copy hereof has been sent to the Indian Office, and the papers in the case. A copy of Indian Office letter of March 1, 1907, in the Gleason case, is enclosed, also copy of said opinion.

Respectfully,
E. A. Hitchcock,
Secretary.

2 inc. and
5 inc. to Ind.Of.
A.F.McG.
3-2-07.

Cherokee 7340

COPY

Muskogee, Indian Territory, March 30, 1907.

John G. Lieber,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised of the enrollment of John W. Gleason as a citizen by intermarriage of the Cherokee Nation, in accordance with a letter from the Secretary of the Interior, dated March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Commissioner.

Encl.K-46
JMK

Cherokee 7340

COPY

Muskogee, Indian Territory, March 30, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised of the enrollment of John W. Gleason as a citizen by intermarriage of the Cherokee Nation, in accordance with Departmental letter of March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Commissioner.

Encl.H-47
JMH

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
5-PM
19 06
IND. T.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

John W. Gleeson,

Muskogee, Indian Territory.

Cher IW 234

Cher IW 234

5-4932

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 16, 1900.

In the matter of the application of Mary J. Thompson for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Needles she testified as follows:

Q What is your name? A Mary J. Thompson.
Q What is your age? A 67
Q What is your post-office? A Chelsea.
Q In what district do you live? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir, I am white adopted.
Q Who do you desire to enroll? A Myself.
Q Are you married? A I am a widow; John Martin Thompson's widow. Q Is he living? A No sir
Q When were you married to him? A In 1877.
1880 roll page 187 #2937 as Jane M. Thompson Coowescoowee adopted white;
1896 roll page 326 #981 Mary J. Thompson Coowescoowee Dist.
Q Have you married since the death of Mr. Thompson? A No sir.
Q You have always lived in the Cherokee nation? A Yes sir, ever since 1866.

Com'r Needles: The name of Mary J. Thompson is found upon the authenticated roll of 1880 as Jane M. Thompson, and upon the census roll of 1896 as Mary J. Thompson, an intermarried white person; she having been duly identified according to page and number of the roll; having made satisfactory proof as to residence said Mary J. Thompson will be duly listed for enrollment as a Cherokee citizen by intermarriage.

M.D. Green, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this 16th day of November 1900.

C Needles

Commissioner.

5492

13

1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 16 1900 1900.

Name Chelsea D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Mary J. Thompson

District OOOWEESCOOWEE Year 1880 Page 187 No 2927

Citizen by blood No Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

In 1880 married Jane M. Thompson

[illegible]

[illegible]

[illegible]

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 6th, 1902.

In the matter of the application of Mary J. Thompson for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to #3492.

Applicant appears in person.
Cherokee Nation by J. C. Starr.

MARY J. THOMPSON, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Mary J. Thompson.
Q. What is your age at this time? A. 63.
Q. What is your post office? A. Chelsea.
Q. Are you the same Mary J. Thompson for whom application was made to this Commission for enrollment as an intermarried citizen on November 16th, 1900? A. Yes, sir.
Q. What was your husband's name? A. J. M. Thompson.
Q. Is he living or dead? A. He is dead.
Q. How long has he been dead? A. 16 years.
Q. When were you and he married? A. We were married in '77.
Q. Were you ever married before? A. Yes, he was my third husband and I was his third wife.
Q. Were both your former husbands dead when you and he married?
A. Yes, sir.
Q. Were his two former wifes dead when you and he married?
A. Yes, sir.
Q. Did you and Mr. Thompson live together all the time from the time you were married up until the time he died? A. Yes, sir.
Q. As husband and wife? A. Yes, sir.
Q. You and he were never separated during that time? A. No, sir; never separated.
Q. You have never married any other man since your marriage to him?
A. No, sir; never married since.
Q. Still a widow and single on the first of September, 1902?
A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. Ever since the fall of '66.
Q. Have you lived in the Cherokee Nation all the time since 1880?
A. Yes, sir.
Q. Up to the present time? A. Yes, sir.

++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 3rd day of November, 1902.

T. B. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes.

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of Frank Howard, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee enrollment cards corresponding to the numbers following their respective names, viz:

Frank Howard	281	Georgia A. Walker	4392
Julia A. Alberty	513	Mary A. Journeycake	4475
Angeline Oer	968	Pat Flanagan	4517
Nancy E. Twist	1028	Ethic Foster	4613
Samuel D. Harp	1556	Albert F. Johnson	4616
Marquis D. L. Dowell	1707	Alexander H. Knaggs	4617
Lindsey Wallace	2020	Jackson W. Drake	4654
Richard Southerlin	2058	James E. Burrows	4672
George W. Kirk	2273	William P. McClellan	4740
Caroline P. Waybourn	2510	Samuel A. Wells	5262
George W. Talbott	2892	Mary J. Thompson	5492
Thomas J. Jordan	2946	Jeremiah Y. Stokes	5543
Robert B. Neighbours	3002	John G. Butler	5639
James B. Smith	3483	Ora B. Downing	5699
Rachel Silverheel	3703	James W. McSpadden	5724
Frederick Fluke	3858	Jeremiah Springston	5773
David Stinger	4059	Hettie Holland	5799
Huldah Bennett	4265	Merriweather G. Reagan	5821
Amos V. Flint	4370	Bartley E. Scott	5831

Louvena Alberty	5891	Henry A. Frye	6664
Katie L. C. Duncan	5917	William B. Taylor	6761
William F. Roberts	5945	Sallie Runels	6764
Leonidas Dobson	5997	Thomas M. Bird	6939
James L. Guinn	6053	Eugene L. Bracken	7008
Dora Lowery	6073	Elizabeth Latta	7058
Mary E. King	6157	Stephen M. McDaniel	7068
Maggie Sevier	6198	Rebecca Miller	7135
Thomas Johnson	6262	George W. Ritchie	7293
Eliche Mathis	6278	Fannie E. Cummings	7550
Rosanna Wood	6337	Nancy Hicks	7837
Edward W. Rackleff	6342	John S. Skillman	9993
Lou McCoy	6417	Willis Davis	10019
William Sullivan	6419	Albert Shepard	10106
Kizzie Linder	6429	Charles F. McGinnis	10121
Josephine Rider	6438	Hugh Campbell	10144
Francis A. Meek	6522	Mary J. Glass	10229

THE RECORDS FURTHER SHOW: That the names of said persons appear upon the Cherokee authenticated roll of 1880; that they possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,

this Jan. 10 1907

C. F. B. Cherokee 5492.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 11, 1907.

In the matter of the application for the enrollment of Mary J. Thompson as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES:

Applicant appears in person.

Cherokee Nation represented by
W. W. Hastings, Attorney.

Mary J. Thompson being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Mary J. Thompson.
Q What is your age? A 68.
Q What is your post office address?
A Chelsea.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood? A No sir.
Q The only claim you make to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood?
A Yes sir.
Q What is the name of that citizen?
A J. M. McNair.
Q Is he living or dead? A He is dead.
Q When were you married to him? A '65.
Q Was he a recognized citizen of the Cherokee Nation at that time?
A Yes sir.
Q And living in the Cherokee country?
A No, he was living in Eastern Texas. We were married in '65 and in the fall of '65 we came to the Choctaw Nation and in '66 we came to the Cherokee Nation.
Q He considered the Cherokee Nation his home?
A Yes sir.
Q Are you his first wife? A Yes sir.
Q Was he your first husband? A My second.
Q Was your former husband dead at the time of your marriage to J. M. McNair?
A Yes sir.
Q From the time of your marriage to your Cherokee husband in 1865, did you and he continuously live together as husband and wife until his death?
A Yes sir.
Q And live in the Cherokee Nation?
A Yes sir.
Q Since his death, have you re-married?
A Yes sir; I married Martin Thompson, another Cherokee.
Q When did you marry Martin Thompson?
A '77 as well as I remember.
Q Is he living at this time? A No sir.
Q When did he die? A In '86.

C. F. B.

Cherokee 5492.

Q You and he lived together as man and wife until the time of his death?
A Yes sir.
Q Since his death, have you married again?
A No sir.
Q Your residence has been continuously in the Cherokee Nation since 1866?
A Yes sir.

The applicant presents a certified copy of marriage license and certificate, showing that June 12, 1865, marriage license was issued in Rusk County, Texas, authorizing the marriage of John M. McNair and Mary Jane Brown, and that said parties were united in marriage on June 13, 1865, by John Adams, Minister of the Gospel. This instrument will be filed and made a part of the record in this case.

The applicant, Mary J. Thompson, is identified on the Cherokee authenticated tribal roll of 1880, Coweescoowee District, No. 2927. The name of her deceased husband, Martin Thompson, appears on said roll immediately preceding the name of Mary J. Thompson.

James M. Keys being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q State your name, age and post office address.
A James M. Keys; age 63 years; post office address, Pryor Creek, Indian Territory.
Q Were you ever acquainted with a man by the name of John M. McNair who was a citizen by blood of the Cherokee Nation?
A Yes sir.
Q When did you first become acquainted with him?
A In March, 1867. I knew of him,- knew the family at that time.
Q He and his family were recognized citizens of the Cherokee Nation at the time you knew him?
A Yes sir.
Q Was he a married man? A Yes.
Q Do you remember his wife's name?
A Mary Jane McNair.
Q Do you know when Mr. McNair died?
A No sir: I don't remember just the year.
Q He and his wife lived together as husband and wife in the Cherokee Nation from the time you knew them here as husband and wife, until the time of his death?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 14th day of January, 1907.

John E. Tidwell
Notary Public.

Cherokee
B492

Muskogee, Indian Territory, January 16, 1907.

Mary J. Thompson,

Chelsea, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 16, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn._____B___ Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On January 19, 1907, the Office transmitted the decision of the Commissioner to the Five Civilized Tribes relative to applications for the enrollment of Frank Howard, et al, as citizens by intermarriage of the Cherokee Nation. The decision includes the applications of seventy-two persons found by the Commissioner to be not entitled to enrollment under the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al, against the United States.

It appears from the record in the case that the names of all the applicants are found on the authenticated 1880 roll of citizens of the Cherokee Nation, and the Office in transmitting the record did not consider this phase of the case. On January 31 the Department was requested to return the record in the case for further consideration by the Office. It was returned with Department letter of February 6, 1907, I.T.D. 1390.

With reference to the names of these applicants being on the 1880 roll Mr. Bixby says:

> THE RECORDS FURTHER SHOW That the names of said persons appear upon the Cherokee authenticated roll of 1880; that they possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875.

As the applicants were not married to citizens by blood of the Cherokee Nation in accordance with the laws, usages and customs of the tribes prior to November 1, 1875, they are not entitled to enrollment, unless it be by virtue of their names being on the 1880 roll. By the provisions of section 21 of the Act of June 28, 1898 (30 Stat.L.,495), the roll of Cherokee citizens of 1880, not including freedmen, is confirmed, and the Commission is directed to enroll all persons whose names are found on that roll and their descendants born since the date of the roll. It is then provided that other rolls shall be examined and that the names of all persons found on the other rolls not placed thereon by fraud or without authority of law shall be enrolled.

The only question in the case seems to be whether a confirmation of this roll by Congress entitles a person whose name appears on said to roll to enrollment as a citizen of the Cherokee Nation who would not otherwise be entitled to such enrollment.

The Supreme Court in the case of Nofire vs. the United States (164 U.S.,657), said:

(Syllabus)

The fact that a marriage license has been issued carries with it a presumption that all statutory prerequisites thereto have been complied with, and one who claims to the contrary must affirmatively show the fact.

.....

The evidence shows that the deceased sought, in his lifetime, to become a citizen of the Cherokee Nation, took all the steps he supposed necessary therefor, considered himself a citizen, and that the Cherokee Nation in his lifetime recognized him as a citizen and still asserts his citizenship. Held, that, under these circumstances, it must be adjudged that he was a citizen by adoption, and consequently that the jurisdiction over the offence charged is, by the laws of the United States and treaties with the Cherokee Nation, vested in the courts in of that Nation.

In the case of Daniel Red Bird, et al, vs. the United States the Supreme Court said:

The roll of 1880, made by the Cherokees, was a census roll, and its confirmation was not intended to create any rights which citizens of the Cherokee Nation had not before enjoyed, but merely to furnish the basis for making up the roll of citizens. Section 21 was in reality a statement that no previous act of Congress was intended to confirm any other roll of the Cherokee Nation.

.....

Section 31 of the Act of July 1, 1902, says that no person whose name does not appear on the roll made by the Commission to the Five Civilized Tribes "shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe, and those whose names appear thereon shall participate in the manner set forth in this act." In other words, the roll must be made up of citizens who under the laws of the Cherokee Nation were entitled to participation in the distribution of the common property of the Cherokee tribes.

The concluding words of section 21, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws," emphatically indicate that Congress had the Indian citizen in mind in all that went before and limited enrollment of white persons to such as might be entitled to citizenship under tCherokee laws.

From the foregoing quotations it is evident that the Supreme Court makes a distinction between citizens having political rights only and those having all rights, including the right to share in the distribution of the land and other property of the Cherokee Nation. This being true, it is evident that Congress did not intend that any person should be given the right to share in the property of the Cherokee Nation simply because his name was on some roll of the nation that had been confirmed by Congressional action unless it is there as a full citizen and not as a citizen with political rights only.

The Office is of the opinion that the persons whose names appear in the record enclosed are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and the approval of the Commissioner's adverse decision is recommended.

Very respectfully,

G. Y. Larrabee,

GAW-GH

Acting Commissioner.

D.C.10668-1907. DEPARTMENT OF THE INTERIOR, LLB JWJr
I.T.D.3422-1907.
LRM WASHINGTON/
Direct.

February 20, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On February 14, 1907 (land 12693), the Indian Office transmitted your report dated January 10, 1907, in the matter of the application for the enrollment of Frank Howard and seventy-two others as citizens by intermarriage of the Cherokee Nation, together with your decision, adverse to said applicants.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

It appears that the names of said persons appear upon the Cherokee authenticated roll of 1880 and that they possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875.

In view of the decision of the Supreme Court of the United States dated November 5, 1906, in the case of Daniel Red Bird et al. vs. the United States, it is considered that your deci-

sion, adverse to these persons, is correct, and it is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan.

First Assistant Secretary.

1 ins and 3 to Ind. Of.

AFMs
3-21-07.

W W HASTINGS, ATTORNEY — OFFICE OF — H M VANCE, SECRETARY

Attorney for the Cherokee Nation,

MUSKOGEE, I. T.

February 21, 1907.

Commissioner to the Five Civilized Tribes,

[illegible], Indian Territory.

Sir:

[illegible] application for the enrollment of [illegible] children of [illegible] Cherokee Nation. [illegible] of this applicant was a citizen by [illegible] and I consent to his enrollment.

Respectfully,

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

Secretary of the Interior.

Sir:

January 10, 1907 the Commissioner to the Five Civilized Tribes rendered his decision denying, among others, the application for the enrollment of Mary J.Thompson as a citizen by intermarriage of the Cherokee Nation. Said applicant is embraced in the case of Frank Howard, et al, transmitted January 10, 1907.

The original record in this case shows Mary J. Thompson to have been married to her Cherokee husband in 1877. Subsequent proceedings were had in the case at the request of the applicant January 11, 1907, showing that said applicant, Mary J. Thompson claims the right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of a former marriage to a Cherokee citizen, which former marriage was not shown by the evidence received prior to the rendition of the decision in the case.

The record shows that Mary J. Thompson, a white woman, was married in accordance with the laws of the State of Texas, June 13, 1865 to one John M. McNair, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation; that said John M. McNair was temporarily absent from the Cherokee Nation at the time of his said marriage, but removed thereto with his said wife in 1866 and continuously lived in said Nation until the time

of his death. It is further shown that in 1877 the said Mary J. McNair was married to Martin Thompson, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Ceweesceewee District No.2926 as a native Cherokee; that the said Martin Thompson and Mary J. Thompson resided together as husband and wife and continuously lived in the Cherokee Nation from the time of said marriage until the death of said Martin Thompson, which occurred in 1886; that after the death of said Martin Thompson the said Mary J. Thompson remained unmarried and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

In view of the decision of the Supreme Court, dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs the United States, Nos.125, 126, 127 and 128, it is respectfully recommended that the Department reverse the decision of the Commissioner of January 10, 1907, so far as it relates to this applicant, and that the application for the enrollment of Mary J. Thompson as a citizen by intermarriage of the Cherokee Nation be granted. The record of proceedings had in the case is inclosed.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

RCM - GHC

Muskogee, Indian Territory, February 22, 1907

Arthur F. McCarr,

Room 116 Department of the Interior,

Washington, D.C.

Dear Sir:

There are enclosed herewith copies of three letters addressed to the Department under dates of February 18 and 21, 1907, recommending that the Department rescind its decision of January 26, 1907, adverse to Joseph Reed, and reverse the Commissioner's decision of January 10, 1907, adverse to Mary J. Thompson and Louvena Alberty, applicants for enrollment as citizens by intermarriage of the Cherokee Nation, and that they be enrolled.

In the event the Department concurs in the Commissioner's recommendation in these cases, data from which schedules containing their names can be prepared is as follows:

Reed, Joseph,	51	M	
Alberty, Louvena	50	F	5891
Thompson, Mary J.	64	F	5492.

Respectfully,

Encl. B-37

Commissioner

L M B

SPECIAL

J.P.

DEPARTMENT OF THE INTERIOR, LLB

Washington.

I.T.D. 6054-1907.
6494- "
D.C. 12416-1907.
L R S
Direct.

March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There has been filed by Mr. A. F. McCarr, representing your office, a copy of your letter to the Department of February 21, 1907, in which you recommend that a decision rendered by you January 10, 1907, adverse to Mary J. Thompson, applicant for enrollment as a citizen by intermarriage of the Cherokee Nation in the case of Frank Howard et al., be rescinded, in view of subsequent testimony submitted.

It appears that the applicant was married in Texas to her first Cherokee husband, in 1865, a recognized and enrolled citizen by blood of the Cherokee Nation. This citizen was temporatily absent from the nation at the time of his marriage but removed thereto with his wife in 1866, and continued to live in the nation until the time of his death.

Concurring in your recommendation, the decision of the Department in the case of Frank Howard et al., to which Mary J. Thompson was a party, is rescinded, as to her, and you are authorized to enroll her as a citizen by intermarriage of the Cherokee Nation.

Since the receipt of the copy of your letter, the Indian Office transmitted with its letter of February 28, 1907, your report and the supplemental testimony submitted therewith.

The papers received with Indian Office letter have been returned, together with a carbon copy hereof.

Respectfully,

(Signed) Jesse E Wilson
Assistant Secretary.

4 inc. to Ind. Of.

AFMc
3-2-07

Cherokee 5492 COPY

Muskogee, Indian Territory, March 8, 1907.

Mary J. Thompson,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 1, 1907.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

HPI

Cherokee 5492

COPY

Muskogee, Indian Territory, March 8, 1907.

George E. McCulloch,

Attorney for Mary J. Thompson,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Mary J. Thompson as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior March 1, 1907.

Respectfully,

SIGNED Tams Bixby.

RPI

Commissioner.

Cherokee 5492

COPY

Muskogee, Indian Territory, March 8, 1907

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Mary J. Thompson as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-10

RPI

Cherokee
I.W.

Muskogee, Indian Territory, April 18, 1907.

Mary J. Thompson,

Chelsea, Indian Territory.

Dear Madam:

Your marriage license and certificate filed in connections with your application for enrollment as a citizen by intermarriage of the Cherokee Nation is returned to you herewith, copies of the same being retained in the files of this office.

Respectfully,

Encl.W-25.
S.W.

Commissioner.

Cher IW 235

Cher IW 235

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., November 27, 1900.

In the matter of the application of Cicero Johnson for the enrollment of himself, wife and children as Cherokee citizens; he being sworn andexamined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Cicero Johnson.
Q What is your age? A 57 years old.
Q What is your postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What degree of blood do you claim? A Always told me about 1/16.
Q Who do you want to enroll? A Myself and family.
Q What is the name of your wife? A Dovie.
Q Is she a citizen by blood? A No sir.
Q White woman? A White woman.
Q When did you marry her? A '67.
Q How old is she? A She's 49.
Q What is the name of your oldest child at home and under 21? A Allen.
Q How old is Allen? A 20 years.
Q Next child? A Mollie E.
Q How old is she? A 19 years old.
Q Next one? A Thomas, born in '83; 17 years old.
Q Next? A Alonzo, born in '86; 14 years old.
Q Got any others? A Henry, born in '88; 12 years old.
Bell, born in 1893; 7 years old.

1880 roll; page 445, #962, Cicero Johnson, Goingsnake.
1880 roll; page 445, #963, Davey Johnson, "
1896 roll; page 1194, 1718, Cicero " Tahlequah.
1896 roll; page 1283, #158, Dovie " "
1194, #1719, Allen Johnson, Tahlequah,
1194, #1720, Mollie "
1194, #1721, Thomas "
1194, #1722, Alonzo "
1194, #1723, Henry "
1194, #1724, Bell "

Q These children living with you at this time? A Yes sir.
Q Always lived in the Cherokee Nation? A No sir, was born in North Carolina.
Q Been living here since 1880? A Yes sir.
Q Your wife and you living together since your marriage? A Yes sir.
Q She's living now? A Yes sir.

Commissioner Needles-
The name of Cicero Johnson appears upon the authenticated roll of 1880 as well as the Census roll of 1896. The name of his wife, Dovie, appears upon the authenticated roll of 1880 and the Census roll of 1896 as an intermarried white. The name of his children, Allen, Mollie E., Thomas, Alonzo, Henry and Bell, appear upon the Census roll of 1896. All being duly identified according to page and number of the rolls, and having made satisfactory proof as to their residence, the said Cicero Johnson and children as enumerated herein, will be duly listed for enrollment as Cherokee citizens by blood; his wife, Dovie, as a Cherokee citizen by intermarriage.

[illegible]

I, [illegible] do solemnly [illegible] the Commission to me [illegible] the [illegible] and [illegible] [illegible] [illegible]

CHEROKEE-STYLE.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 5, 1909.

In the matter of making proof of the marriage of Dovie Johnson to her Cherokee husband, prior to November, 1875.

Dovie Johnson, being first duly sworn by John E. Tidwell, a Notary Public, testified as follows:

Commissioner:

Q. What is your name? A. Dovie Johnson.
Q. What is your age? A. 58.
Q. What is your post office address? A. Tahlequah.
Q. Do you claim rights as an intermarried citizen of the Cherokee Nation? A. Yes sir.
Q. Through whom do you claim your intermarried rights? A. Cicero Johnson.
Q. When were you married to Cicero Johnson? A. In '67.
Q. Where? A. In North Carolina.
Q. In 1867? A. Yes sir.
Q. How long did you live in North Carolina after you were married to Cicero Johnson? A. Seven years.
Q. Then where did you go? A. To the Cherokee Nation.
Q. What time did you reach the Cherokee Nation? A. In '73.
Q. When was your husband admitted to citizenship in the Cherokee Nation? A. About a year after we came here.
Q. That would be in about '74? A. Yes sir.
Q. Were you admitted by Act of Council or by a degree of the Court? A. By the Council I reckon.
Q. Have you any documentary evidence showing that your husband was admitted to Cherokee citizenship in 1874? A. No sir.
Q. Is he here today? A. Yes sir.
Q. Were you ever married before you married Cicero Johnson? A. No sir.
Q. Was he ever married before he married you? A. No sir.
Q. Have you lived together continuously as husband and wife since 1867? A. Yes sir.
Q. Are you living together now? A. Yes sir.

(Commissioner -- Applicant is identified upon the 1880 Cherokee Roll, Going Snake District, opposite No. 963. Her husband, through whom she claims her right to enrollment , is identified upon said roll, said District, opposite No. 962. Her husband is also identified upon the final roll of citizens by blood of the Cherokee Nation, opposite No. 13746.)

Witness excused.

Cicero Johnson, being duly sworn by John E. Tidwell, a Notary Public, testified as follows:

COMMISSIONER:

Q. What is your name? A. Cicero Johnson.
Q. What is your age? A. Close to 64.
Q. What is your post office address? A. Tahlequah.
Q. Do you know Dovie Johnson? A. Yes sir.
Q. What relation are you to Dovie Johnson? A. She is my wife.
Q. When were you married? A. We were married in 1867.
Q. Where? A. In Cherokee County, North Carolina.
Q. Were you ever married before you married your present wife? A. No sir.
Q. Was she ever married before she married you? A. Not that I know of.
Q. Have you lived together continuously since 1867? A. Yes sir.
Q. How long did you stay in North Carolina after you were married? A. We stayed there some 5 or 6 years.
Q. When did you come to the Cherokee Nation? A. We came in 1872 I believe.
Q. When were you admitted to Cherokee citizenship after you got here? A. I declare, I have forgotten about how long it was, but I think about a year or maybe a little over.
Q. Were you admitted by Act of Council or judgment of the Court? A. By the Court.
Q. What Court? A. That Court that was held there -- the citizenship Court.
Q. What was the name of the Judge who admitted you? A. I will be-dogged if I remember.
Q. It will be necessary for you to furnish this office with a copy of the Act admitting you to citizenship in the Cherokee Nation before your wife can be enrolled? A. Do you want me to bring witnesses?
Q. You might bring some witnesses, but you must show the Act admitting you? A. I have a witness here now.
Q. What is his name? A. Mr. Wallace.

Witness excused.

Martin Wallace, being duly sworn by John E. Tidwell, a Notary Public, testified as follows.

COMMISSIONER:

Q. What is your name? A. Martin Wallace.
Q. What is your age? A. 60.
Q. What is your post office address? A. Tahlequah.
Q. Are you a citizen of the Cherokee Nation? A. I am a white man -- an adopted citizen.
Q. How long have you lived in the Cherokee Nation? A. I come here in the fall of '71.
Q. Do you know Cicero Johnson? A. Yes sir.
Q. Do you know anything about his admission to citizenship in the Cherokee Nation? A. No, I wasn't present at anything of the kind, but he has always been considered a citizen.
Q. How long have you known him? A. All my life.
Q. Did you know him in North Carolina? A. Yes sir.

Q. Do you know when he came to the Cherokee Nation? A. Yes sir.
Q. When was it? A. If I remember right I think it was in the spring of '73.
Q. Do you know how soon he was admitted after he came to the Cherokee Nation? A. No sir, I don't know exactly, but I don't think it was very long. I couldn't state the exact time.

Witness excused.

Cicero Johnson recalled.

COMMISSIONER:

Q. When was the first time you voted in the Cherokee elections, if you remember? A. The first time I voted was just a little while back.
Q. When did you acquire your first property in the Cherokee Nation? A. I got a place directly after I came here.
Q. How directly -- how soon after you came here? A. About a year.

Witness excused.

Martin Wallace recalled.

COMMISSIONER:

Q. Were you present when Cicero Johnson and Devie Johnson were married? A. No sir.
Q. Do you know that they were married? A. Well, I couldn't say that I know it, for I wasn't present, but I know they lived together as man and wife in North Carolina, and I heard my wife say that she was present at the wedding. I wasn't there.

Witness excused.

Eula Jeanne Branson, being sworn, states that she correctly reported the proceedings had in the above and foregoing, on the 5th. day of January, 1907.

Eula Jeanne Branson.

Subscribed and sworn to before me, this the 7th. day of January, 1907.

Walter W. Chenoweth
Notary Public.

C. F. B.

Cherokee 8728.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 14, 1907.

Supplemental proceedings in the matter of the application for the enrollment of Devie Johnson as a citizen by intermarriage of the Cherokee Nation.

Adeline Ratlinggourd being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

Q What is your name? A Adeline Ratlinggourd.
Q What is your age? A 56.
Q What is your post office address?
A Tahlequah.
Q Are you acquainted with a person by the name of Devie Johnson?
A Yes sir.
Q Are you related to her in any way?
A Sister-in-law by marriage.
Q She married a brother of your first husband?
A Yes sir.
Q What is his name? A Cicero Johnson.
Q When was Cicero and Devie Johnson married?
A In '67.
Q Where were they living at the time they were married?
A Cherokee County, North Carolina.
Q When did they remove to the Cherokee Nation?
A They came here in '73.
Q Was Devie Johnson, Cicero Johnson's first wife?
A Yes sir.
Q And he was her first husband? A Yes sir.
Q Since their marriage have they continuously lived together as husband and wife?
A Yes sir.
Q And have lived since 1873 in the Cherokee Nation?
A Yes sir.
Q Did you witness their marriage?
A No sir; I wasn't at their marriage.
Q But you have every reason to believe that they were married?
A Yes sir.
Q And you know of your own personal knowledge that they have lived together as husband and wife since 1867?
A Yes sir.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 19th day of January, 1907.

John E. Tidwell
Notary Public.

C.F.B.

Cherokee 5728.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of DOVIE JOHNSON as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, November 27, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Dovie Johnson as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 22, 1902, February 17, 1905, and at Muskogee, Indian Territory, January 5 and 14, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Dovie Johnson, a white woman, was married in the State of North Carolina in the year 1867 to one Cicero Johnson, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, Page 445, No. 962, as a native Cherokee, and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 13746. It is further shown that the said Dovie Johnson neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to the said Cicero Johnson; that the said Cicero Johnson was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship in said Nation by the duly constituted authorities thereof November 16,1876. Said Dovie Johnson did not, therefore, marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Dovie Johnson, is not entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 2 1907

Cherokee
5728

Muskogee, Indian Territory, December 27, 1906.

Devie Johnson,

Tahlequah, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

S.W.

Acting Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

1 and
12687-1907.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes , dated February 2, 1907, transmitting the record relative to the application for enrollment of Dovie Johnson as a citizen by intermarriage of the Cherokee Nation. On February 2, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The evidence shows that the applicant, Dovie Johnson, a white woman, was married in the State of North Carolina in the year 1867, to one Cicero Johnson, who is identified on the Cherokee authenticated tribal roll of 1880 as a native Cherokee and whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation. The applicant claims no right to enrollment other than such as she acquired by virtue of her marriage to Cicero Johnson, who was not at the time of the marriage a recognized citizen by blood of the Cherokee Nation, and did not become such until his admission to citizenship in that nation by the duly constituted authorities on November 16, 1876. Therefore the applicant did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

Under the decision of the Supreme Court of the United States, dated November 5, 1906, the case of Daniel Red Bird, et al., vs. the United States, the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

JPD-Y

GAW

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T.
References in body
of letter.

May 11, 1907.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan
42881- "	Bovie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, now Kernan,
42883- "	John W. Smith
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Mattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welsh.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner

AJW-FHE.

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary.

I. T. References
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GWF

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There i s inclosed copy of Office letter of May 11, 1907, and proved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42093-1907	Jacob A. Hartley
42095- "	Osborn J. Byrd
42096- "	Amanda Beck
42094- "	Sarah F. Gage
42092- "	Phiruma Harris
42090- "	Daniel Hutson
42091- "	Emma L. Irons[illegible]
42096- "	Sarah A. Jordan
42091- "	Bovie Johnson
42093- "	Andrew H. Norwood
42097- "	Stacy E. Perry
42092- "	Martha Randolph, now Karman
42097- "	John W. Smith
42094- "	John J. Smith
42090- "	Robert H. F. Thompson
42089- "	Hattie Wright
42093- "	Henry Wolfe
42090- "	R. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-SHX.

Cherokee
235

Muskogee, Indian Territory, May 25, 1907.

Dovie Johnson,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-10
LMC

Cher IW 236

Cher IW 236

Department of the Interior,
Commission to the Five Civilized Tribes,
Bartlesville, I. T. October, 11th 1900.

In the matter of the application of Andrew H. Harwood for the enrollment of himself as a Cherokee citizen. He being sworn by Commissioner Brookbriage testified as follows-

Q How old are you? A. 48.
Q What is your post office? A. Hoover.
Q What district. A Coowescoowee.
Q. What is it that you want put on the roll? A. Myself.
Q Do you apply as a Cherokee? A. Adopted white.
Q Have you your marriage license and certificate? A. Yes sir.
Q. Are you on the roll of 1880? A. Yes sir all of them since 1874 I guess.
Q. You were married in 1872 to Miss Alice E. Beard were you? A. Yes sir.
Q Was she a Cherokee woman? A. Yes sir.
Q Is she living? A. She died ten months after our marriage.
Q Did you marry again? A. Yes sir, in 1879 I married a Delaware woman, named Emma Love.
Q Is she dead? A. Died in 1894.
Q Did you live with her from the time of your marriage until her death and in the Cherokee Nation? A. Yes sir.
Q Have you married since her death? A. No sir.
1880 roll, page 150, No 2123, A. H. Harwood, Cooweescoowee, Adopted white
1896 " " 517 " 741. Andy H. Harwood, "
The applicant is identified on the roll of 1880 and 1896 as an adopted white. On the roll of 1880 there is identified with himhis Delaware wife who died in 1894. They lived together from the time of their marriage in 1897 until her death and he has not re-married since her death. He has lived continuously in the Cherokee Nation since his enrollment in 1880 and he will now be listed for enrollment as a Cherokee by intermarriage.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause and that the foregoing is a true, correct and full transcript of his stenograpahic notes in said proceedings.

Chas von Weise

Subscribed and sworn to before me this the 11th of October, 1900.

C M Bruce

Commissioner.

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 11 1900.

Name Andrew H. Norwood, Jr.

District COOWEESCOOWEE. Year 1880 Page 155 No. 2123

Citizen by blood Yes. Mother's citizenship

Intermarried citizen yes.

Married under what law Date of marriage (1872) (1879)

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Certificate issued

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29th, 1902.

In the matter of the application of Andrew H. Norwood for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to #4321.

Appearances:

Applicant appears in person.
Cherokee Nation by J. C. Starr.

ANDREW H. NORWOOD, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name, Mr. Norwood? A. Andrew Norwood, or A. H.
Q. Is there an "H" in your name? A. Yes, sir; Andrew Henry.
Q. What is your age at this time? A. 52; will be in a short time.
Q. What is your post office? A. Dewey, I. T.
Q. Are you the same Andrew Norwood that applied to the Commission in 1900 for enrollment as an intermarried citizen? A. I am.
Q. What is your wife's name? A. Susie. I have been married twice. I first married in 1872 and my wife died in 1873. In 1876 I married again and she died in 1894.
Q. You were first married in 1872? A. Yes, sir.
Q. What was that wife's name? A. Alice R. Gourd.
Q. Were you married under a Cherokee license? A. Yes, sir.
Q. She was a Cherokee by blood, was she? A. Yes, sir.
Q. When did you say she died? A. 1873; lived only 10 months.
Q. Did you live with her from the time you were married until her death? A. Yes, sir.
Q. You married again? A. Yes, sir.
Q. Who did you marry the second time? A. Susie Love.
Q. She was a witizen by blood? A. Yes, sir. She was a Delaware. Adopted Cherokee.
Q. You lived with this second wife from the time you were married until her death? A. Yes, sir.
Q. Have you married since her death? A. I have not.
Q. You were never separated from either one of your wifes during their lifetime? A. No, sir; not in any manner.
Q. You were single on the first of September, 1902, were you?
A. Yes, sir.
Q. How long have you lived in the CherokeeNation? A. Since '70.
Q. You lived in the Nation all the time for the last 30 years?
A. Yes, sir; never lived any where else since I come here in '70.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case andthat the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O Carr

Subscribed and sworn to before me this 4th day of October, 1902.

B O Jones Cont'd
Notary Public.

Recommendation of
A. H. Norwood for Marriage
License.

COPY

We the undersigned citizens of the District of Tahlequah and Cherokee Nation would most respectfully recommend A. H. Norwoo a white man and citizen of the U. S. as a moral and industrious man and one calculated to make a good and useful citizen of the Cherokee Nation, such being his desire, under the law "Regulating Intermarriage With White men."

Signers Names----

1. Arch Miller
2 W. H. Turner
3 S. H. Coldin
4 Richard Halfbreed
5 Henry Barnes
6 Jno. L. Adair
7 Nathaniel Fish

Certificate of Record

United States of America, (
Indian Territory) ss.
Northern District (

I, Chas. A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached is a true and correct copy of License that was filed in my office the 13 day of October 1904, at M, and duly recorded in Book "C" Marriage Record Page 335.

Witness my hand and seal of said Court at Muskogee, in said Territory this 9 day of January A. D., 1907.

SEAL

Chas. A. Davidson, Clerk

By E. B. Davidson, Deputy.

MARRIAGE LICENSE

United States of America, (
Indian Territory, (ss. No. 457
Northern District (

To Any person Authorized By Law To Solemnize Marriage, Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Andrew H. Norwood of Dewey, in the Indian Territory, aged 53 years and Ida M. Woodard of Dewey, in the Indian Territory, aged 43 years, according to law, and do you officially sign and return this License to the parties therein named.

(SEal) Witness my hand and official seal at Vinita, Indian Territory, this 28th day of September A. D. 1904.

Chas. A. Davidson
By E. B. Davidson Deputy. Clerk of U. S. Court.

CERTIFICATE OF MARRIAGE

United States of America (
Indian Territory (ss.
Northern District. (

I, C. B. Larrabee, a Minister of the Gospel Do Hereby Certify that on the 2nd day of October, A. D. 1904, I did duly and according to law as commanded in the foregoing License solemnize the Rite and publish the Banns of Matrimony between the parties thereing named.

Witness my hand this 2 day of October A. D. 1904.

My Credentials are recorded in the officer of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 75.

C. B. Larrabee
A minister of the Gospel

lw 236

License of Marriage
and Certificate
granted A. H. Norwood
Recorded
W. H. Turner.

Cherokee nation : Know all persons by these Presents, that I,
Tahlequah Dist. :

W. H. Turner, Clerk of the District Court for the District of Tahlequah, Cherokee Nation, do by virtue of the authority in me vested by law, hereby grant Mr. A. H. Norwood a White man, and Citizen of the United States, a License to marry Miss Alice R. Gourd, a Cherokee. He, the said A. H. Norwood, having complied with the law of the Cherokee Nation, "Regulating Intermarriage with Whitemen."

Therefore--Any Ordained Minister of the Gospel, or Judge of any of the Courts of the Cherokee Nation, are hereby authorized to solemnize the rite of matrimony in accordance with the above License between the parties above named and return this Instrument with your Certificate of service attached for record.

Given under my hand Officially December 20th, 1872.

W. H. Turner, Clk.
D. C. F. Dist. C. N.

Dec. 25th, 1872, I do certify that I have this day solemnized the rites of matrimony between the above named parties at the residenc

W. H. Turner

T. K. B. McSpadden

P. C Tahlequah Circuit In. Miss Court.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, IND. TER.
JAN. 4, 1907.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF ANDREW H. NORWOOD AS A CITIZEN BY INTERMARRIAGE OF THE CHEROKEE NATION.

CENSUS CARD NO.4321.

ANDREW H. NORWOOD BEING FIRST DULY SWORN TESTIFIED AS FOLLOWS

EXAMINATION BY THE COMMISSIONER:

Q What is your name. A Andrew H. Norwood.
Q How old are you. A Fifty seven.
Q What is your post office address. A Dewey.
Q Do you claim to be a citizen by intermarriage of the Cherokee Nation. A Yes sir.
Q Thru whom do you claim your intermarried rights. A By marriage with a Cherokee
Q What is her name. A Alice R. Gourd.
Q Is she living at the present time. A No sir
Q How long has she been dead? A Been dead about thirty two years.
Q When were you married to Alice R. Gourd. A In 1872 December 25th.
Q Were you married under Cherokee license.
A Yes sir
Q Have you that license with you. A Mr Rossen has it; he told me a minute ago he had it; they were left with him several days ago.
Q Have you ever been married a second time since the death of your wife Alice R. Gourd. A I married a citizen subsequent to that; a Delaware; registered Delaware.
Q What is her name. A Susie Norwood.
Q Are you living with her at the present time. A No she died ten or twelve years ago and then two years ago I married
Q What is the name of your present wife. A Ida M. Norwood.
Q She's a non citizen. A Yes sir
Q Are you living with her at the present time? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since you married your first wife Alice R. Gourd in 1872
A Yes sir
Q Were you ever married before you married Alice R. Gourd.
A No sir.
Q Did you live with Alice R. Gourd continuously from the date of your marriage to her up to the time of her death.
A Yes sir, and I'm on every roll I think since '74.

The applicant is identified on the 1880 Cherokee Roll Coo- wee- scoo-wee District opposite No. 2123.

Q Was Alice R. Gourd a recognized citizen by blood of the Cherokee Nation at the time you married her in 1872.
A She was.
Q Was she born in the Cherokee Nation. A Yes sir.
Q Her parents were citizens by blood of the Cherokee Nation
A Yes sir

The applicant offers in evidence the petition signed by seven signers for his license filed with the District filed with the District Court of Tahlequah District in the Cherokee Nation; also the license issued to him on the 20th day of December 1872 to marry Alice H. Gourd and the certificate of T.K.B.McSpaddan showing that he performed the marriage ceremony between the applicant and Alice H. Gourd on December 25 1872.

ooOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commissioner to the Five Civilized Tribes she reported the above and foregoing proceedings and that this is a correct transcript of her stenographic notes.

Clara Mitchell Wood

Subscribed and sworn to before me this 8th day of December 1907.

Notary Public.

C.F.B. Cherokee 4321.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ANDREW H. NORWOOD as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Bartlesville, Indian Territory, October 11, 1900, Andrew H. Norwood appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 29, 1902, and January 4, 1907.

THE EVIDENCE IN THIS CASE SHOWS: "That the applicant herein, Andrew H. Norwood, who is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an adopted white citizen of the Cherokee Nation, was married in accordance with Cherokee law December 25, 1872, to his wife, Alice R. Norwood, nee Gourd, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation; that from the time of said marriage until the death of the said Alice R. Norwood, which occurred in the year 1873, the said Andrew H. and Alice R. Norwood resided together as husband and wife; that after the death of the said Alice R. Norwood the said Andrew H. Norwood married, in the year 1879, one Susan Love, since deceased, a Delaware woman, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 2124, as an adopted Delaware.

In view of the foregoing, it is considered that the applicant herein, Andrew H. Norwood, forfeited, by his marriage in the year 1879 to Susan Love, who was a person not of Cherokee blood, the right to citizenship in the Cherokee Nation acquired by his marriage to Alice R. Gourd December 25, 1872."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Andrew H. Norwood, is not entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 2 1907

Cherokee
4321

Muskogee, Indian Territory, December 27, 1906.

Andrew H. Norwood,

Dewey, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

J.M.H.

Acting Commissioner.

Cherokee 4321

Muskogee, Indian Territory, February 2, 1907.

Andrew H. Norwood,

Dewey, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is in receipt of same.

Respectfully,

Encl.H-62
JTM
T

Commissioner.

Register.

Cherokee 4331

Muskogee, Indian Territory, February 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for the enrollment of Andrew H. Norwood as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-83
JMH

Muskogee, Indian Territory, February 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Andrew H. Norwood as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 2, 1907, denying said application.

Respectfully,

Encl.H-84
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
12678-1907.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 2, 1907, transmitting the record relative to the application for enrollment of Andrew H. Norwood as a citizen by intermarriage of the Cherokee Nation. On February 2, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The evidence shows that the applicant, Andrew H. Norwood, who is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an adopted white citizen of the Cherokee Nation, was married in accordance with Cherokee law on December 25, 1872, to Alice R. Norwood, nee Gourd, since deceased, who was at the time of her marriage a recognized citizen by blood of the Cherokee Nation; that from the time of the marriage until the death of Alice R. Norwood, which occurred in the year 1873, the couple lived together as husband and wife. After the death of Alice R. Norwood, the applicant, Andrew H. Norwood, married, in the year 1879, one Susan Love, since deceased, a Delaware

a/p/g

woman who is identified on the Cherokee authenticated tribal roll of 1880, as an adopted Delaware.

In view of the evidence, it is considered that Andrew H. Norwood, the applicant, forfeited by his marriage, in the year 1879, to Susan Love, who was a person not of Cherokee blood, the right to citizenship in the Cherokee Nation, acquired by his marriage to Alice H. Gourd on December 25, 1872.

Under the decision of the Supreme Court of the United States dated November 5, 1906, in the case of Daniel Red Bird, et al. vs. the United States, the applicant is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

JPB-GH

Acting Commissioner.

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On February 2, 1907, this office transmitted to the Department the record in the matter of the application of Andrew H. Norwood as a citizen by intermarriage of the Cherokee Nation, together with a decision denying such application. Said decision reads in part:

> "That the applicant herein, Andrew H. Norwood, who is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, as an adopted white citizen of the Cherokee Nation, was married in accordance with Cherokee law December 25, 1872, to his wife, Alice R. Norwood, nee Gourd, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation; that from the time of said marriage until the death of the said Alice R. Norwood, which occurred in the year 1873, the said Andrew H. and Alice R. Norwood resided together as husband and wife; that after the death of the said Alice R. Norwood the said Andrew H. Norwood married, in the year 1879, one Susan Love, since deceased, a Delaware woman, who is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District, No. 2124, as an adopted Delaware.
>
> In view of the foregoing, it is considered that the applicant herein, Andrew H. Norwood, forfeited, by his marriage in the year 1879 to Susan Love, who was a person not of Cherokee blood, the right to citizenship in the Cherokee Nation acquired by his marriage to Alice R. Gourd December 25, 1872."

On February 9, 1907, a brief was filed in this office by Hutchings, Murphey & German and Zevely, Givens & Smith as attorneys for said applicant, in which it was contended that the decision of this office was wrong and should be reconsidered. This brief showed no service upon the attorneys for the Cherokee Nation but subsequent, and on February 27, 1907, service of the same was acknowledged as of the latter date.

The attorneys for the Cherokee Nation have informed this office that they do not care to file any reply brief in this matter.

In the brief on behalf of applicant in which this office was asked to reconsider its decision of February 2, 1907, it is contended that the language of Section 666 of the laws of the Cherokee Nation (Compilation, 1892), which Section became effective in its present form November 1, 1875, and which is as follows:

> "Sec. 74. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, <u>or person</u> (<u>as the case may be</u>), <u>having no rights of Cherokee citizenship by blood</u>; in that case all of his or her rights acquired under the provisions of this Act shall cease."

did not evidence an intention to provide for a forfeiture of citizenship by a white man who had already acquired a right to citizenship by intermarriage by a subsequent marriage to a

Delaware or Shawnee after November 1, 1875.

In the great amount of enrollment work which it has been necessary to perform in this office during the past month, it has been impracticable to give this matter earlier attention, or to devote to it such attention as it perhaps deserves. It is noted, however, that one of the premises, if not the main premise, upon which the argument of applicant's attorneys is based, is that in 1875 the Cherokee Nation provided for intermarriage of white men with Delawares and Shawnees so as to confer the same citizenship rights upon the white man so married as he would obtain by marriage to a Cherokee by blood. Such contention appears in the first paragraph on page 3 of said brief and practically all of the remaining argument of the brief is based upon that statement.

The act of 1875 contains, so far as this office has been able to discover, no provision for intermarriage with Delawares or Shawnees. Such provision apparently first appears in printed form in the Compilation of 1881 in which it is indicated that the act of 1875 was amended to provide for intermarriage with Delawares and Shawnees on December 10, 1880, which was subsequent to the marriage of the applicant in this case to his second wife who was a Delaware. If this is true it certainly cannot be contended that the fact that in the act of December 10, 1880 provision was made for intermarriage with Delawares

and Shawnees can throw any light upon the intent with which the language of Section 666, already quoted, was used.

The decree of the Court of Claims in the case of Daniel Red Bird, et al, vs. Cherokee Nation is as follows:

> "It is by the court ordered, adjudged, and decreed that such white persons residing in the Cherokee Nation as became Cherokee citizens under Cherokee laws by intermarriage with Cherokees by blood prior to the 1st day of November, 1875, are equally interested in and have equal per capita rights with Cherokee Indians by blood in the lands constituting the public domain of the Cherokee Nation, and are entitled to be enrolled for that purpose, but such intermarried whites acquired no rights and have no interest or share in any funds belonging to the Cherokee Nation except where such funds were derived by lease, sale, or otherwise from the lands of the Cherokee Nation conveyed to it by the United States by the patent of December, 1838; and that the rights and privileges of those white citizens who intermarried with Cherokee citizens subsequent to the 1st day of November, 1875, do not extend to the right of soil or interest in any of the vested funds of the Cherokee Nation, and such intermarried persons are not entitled to share in the allotment of the lands or in the distribution of any of the funds belonging to said nation, and are not entitled to be enrolled for such purpose; that those white persons who intermarried with Delaware or Shawnee citizens of the Cherokee Nation either prior or subsequent to November 1, 1875, and those who intermarried with Cherokees by blood and subsequently being left a widow or widower by the death of the Cherokee wife or husband, intermarried with persons not of Cherokee blood, and those white men who having married Cherokee women and subsequently abandoned their Cherokee wives have no part or share in the Cherokee property, and are not entitled to participate in the allotment of the lands or in the distribution of the funds of the Cherokee Nation or people, and are not entitled to be enrolled for such purpose."

Said decree, afterwards affirmed in toto by the Supreme Court, was a final judgment which is binding on this office and the Department. So far as can be determined from the decree itself, the words "persons not of Cherokee blood" as

used in the last passage underscored, in the said quotation, are employed to designate all persons not included by the phrase "Cherokees by blood" as they appear in the two first passages underscored in said quotation. There is, of course, no doubt that the latter phrase was used to designate Cherokees who were possessed of citizenship in the Cherokee Nation by virtue of Cherokee blood.

While the contentions of the attorneys for applicant seem to be largely based on a mistaken premise and the Court of Claims in its decree has apparently construed Section 666, already quoted, contrary to the claims of the applicant, the questionsin this case are, nevertheless, not free from doubt and difficulty. This office is, however, not convinced that its decision of February 2, 1907, is incorrect and declines to reconsider such decision or recommend that the Department not concur therein.

Said brief, however, is forwarded herewith for consideration by the Department.

Respectfully,

Enc.L.K.P.-1 Commissioner.

Through the Commissioner of Indian Affairs.

COPY

Y.P.
FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON,

I.T.D. 4896, 4996
3060-1907

February 28, 1907.

L R S

DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal
Janie Landrum et al.,	January 10, 1907
Andrew H. Norwood (Intermarried)	February 2, 1907
Dovie Johnson (Intermarried)	February 2, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed, are inclosed.

A copy hereof and the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

3 inc. and 6 for Ind. Of.

(signed) JESSE E. WILSON
Assistant Secretary.

A. F. Mc.

3-1-07

(COPY)

Land
21164-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Attention is invited to Departmental letter of February 28, 1907 (I.T.D.4896, 4996, and 5060-1907) and the records received therewith are returned.

The record in t he case of Jennie Landrum, et al., shows that her name appears upon the authenticated roll of the Cherokee Nation as an intermarried white; that in the case of Andrew H. Norwood, the record shows that his name is on said roll as an intermarried white; and the record in the case of Dovie Johnson shows that her name appears on the authenticated tribal roll of 1880. (See the Commission's decision of March 2, 1903.)

It is believed by this Office that under the opinion of the Attorney General of February 26, 1907, the applicants are entitled to enrollment.

Very respectfully,

C. F. LARRABEE,

Acting Commissioner.

GAW:LM

D.C.13390-1907. SPECIAL JFJr

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

I.T.D.8000-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21164), the Indian Office returned your report, dated January 10, 1907, in the matter of the application for the enrollment of Janie Landrum, et al.

It appears that on February 28, 1907, the Department rendered a decision in this case concurring in your decision.

The Indian Office returned this case and recommends that under the opinion of the Attorney General of February 26, 1907, the applicants are entitled to enrollment.

It appears that the case of the husband of this applicant, Louis W. Landrum, as a citizen by intermarriage of the Cherokee Nation has been heretofore disposed of and that the other applicants are included in a partial roll of citizens by blood of the Choctaw Nation opposite Nos. 16044, 16045 and 16046, respectively.

In view of their enrollment in the Choctaw Nation, the applicants are clearly not entitled to enrolment in the Cherokee Nation and the Department finds no reason

for receding from its former decision, to which it accordingly adheres.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

2 inc. to Ind. Of.

AFMc
3-4-07

Cherokee
4321

Muskogee, Indian Territory, March 11, 1907

Andrew H. Norwood,

Dewey, Indian Territory.

Dear Sir:

There is enclosed for your information a copy of Departmental decision of February 28, 1907, affirming the decision of the Commissioner to the Five Civilized Tribes dated February 2, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation. There is also enclosed a copy of Departmental decision of March 4, 1907, rescinding its said decision of February 28, 1907, and granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl. B-22

Commissioner

Cherokee
4321

Muskogee, Indian Territory, March 11, 1907

William T. Hutchings,
Attorney for Andrew H. Norwood,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed for your information a copy of Departmental decision of February 28, 1907, affirming the decision of the Commissioner to the Five Civilized Tribes dated February 2, 1907, rejecting the application for the enrollment of Andrew H. Norwood, as a citizen by intermarriage of the Cherokee Nation. There is also enclosed a copy of Departmental decision of March 4, 1907, rescinding its said decision of February 28, 1907, and granting his application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner

Encl. B-23

Cherokee
4321

Muskogee, Indian Territory, March 11, 1907

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed for your information a copy of Departmental decision of February 28, 1907, affirming the decision of the Commissioner to the Five Civilized Tribes dated February 2, 1907, rejecting the application for the enrollment of Andrew H. Norwood, as a citizen by intermarriage of the Cherokee Nation. There is also enclosed a copy of Departmental decision of March 4, 1907, rescinding its said decision of February 28, 1907, and granting his application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Encl. B-24

Commissioner

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Davis Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-FHE

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary.

I.T. References
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42866- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42883- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Dovie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy M. Perry
42885- "	Martha Randolph, now Harman
42887- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-FEB.

Cherokee
I.W. 236.

Muskogee, Indian Territory, May 25, 1907.

Andrew H. Norwood,

Dewey, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

~~[illegible]~~

LMC

Cherokee
I.W. 236

Muskogee, Indian Territory, May 25, 1907.

W. T. Hutchings,
Attorney for Andrew H. Norwood,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing the enrollment of Andrew H. Norwood, as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-11
LMC

Cherokee
183 et al.

Muskogee, Indian Territory, May 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

Cher IW 237

Cher IW 237

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 14 1901

Tams Bixby, Acting Chariman

Commissioner.

Commissioner.

COPY

Cherokees by blood and intermarriage:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 14, 1901.

In the matter of the application of James Wright for the enrollment of himself, wife and five children as Cherokee citizens, his wife by intermarriage and himself and children by blood; being sworn and examined by Commissioner Needles, he testified as follows:

Simon R. Walkingstick, Interpreter:

Q What is your name ? James Wright.
Q How old is he ? A says over 50 years old.
Q What is his post-office? A South-west City, Missouri.
Q What district? A Delaware District.
Q Is he a full-blood Cherokee? A Yes sir.
Q Who does he want to enroll besides himself? A Himself, wife and about seven children.
Q What is his wife's name? A Hattie.
Q How old is Hattie? A About 47.
Q Is she a full-blood? A No, I think she is a white woman.
Q What are the names of his children under 21? A Sarah is the first one, 15 years old; Thomas is next, nine or ten years old, don't know exactly; Josie is the next one, eight years old.
" She a girl? A Yes sir. Annie is the next one, five years old. Lizzie is the next one, three years old; that's all.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 339 #2960 James Wright, Delaware District.
page 339 #2961 Hattie Wright, Delaware District.

1896 census roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 556 #3517 James Wright, Delaware District.
page 593 #531 Hattie Wright, Delaware District;
page 556 #3520 Sarah Wright, Delaware District;
1896 roll page 556 #3521 Thomas Wright, Delaware District;
page 556 #3522 Josie Wright, Delaware District;
page 556 #3523 Annie Wright, Delaware District.

Q Has he got any paper made out for Lizzie? A No sir
Q Are these children all living at this time? A Yes sir.
Q Has he always lived in the Cherokee Nation himself? A Yes sir.
" Him and his wife been living together since they were married?
A Yes sir.
Q Is his present wife, Hattie, the mother of these children?
A Yes sir.

Commissioner Needles: James Wright applies for the enrollment of himself and his wife, Hattie and five children, to-wit; Sarah, Thomas, Josie, Annie and Lizzie; said applicant and his wife Hattie are duly identified upon the authenticated roll of 1880 and on the census roll of 1896; he as a full-blood Indian and she as an intermarried white; the names of his children, Sarah, Thomas, Josie and Annie are found upon the census roll of 1896; they are all duly identified according to page and number of the roll; he makes satisfactory proof as to residence, consequently said James Wright, and his children enumerated herein will be listed for enrollment as Cherokee citizens by blood, and his wife, Hattie will be listed for enrollment as a Cherokee citizen by intermarriage; the name of his child, Lizzie, does not appear upon the census roll of 1896 consequently, it will be necessary for him to file with this Commission satisfactory proof of its birth.

--- --- ---

James Wright et al 2

M.D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green

Subscribed and sworn to before me this May 14, 1901.

(Signed) C.R. Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 15 1902

Acting Commissioner.

JOR.
Cher. 7482.

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 29, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of HATTIE WRIGHT as a citizen by intermarriage of the Cherokee nation.

HATTIE WRIGHT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Harriet Wright. Some calls me Hattie, but I always sign it Harriet.
Q Is your name Harriet or Hattie? A For a short name they call me Hattie.
Q Did your husband make application for your enrollment? A Yes sir
Q He gae your name as Hattie. Do you want to be enroled as Hattie or Harriet? A It don't make any difference with me. They call me Hattie, and I would just as soon be called Hattie.
Q Do you want to be enrolled under your name of Hattie? A He has got it that way, and I reckon might just let it go that way.
Q How old are you? A I am about forty-seven, as well as I can remember.
Q What is your post office address? A Grove.
Q You are a white woman, are you? A Yes sir.
Q Has application been made for your enrollment as a citizen by intermarrige of the Cherokee nation? A Yes sir.
Q What is the name of your husband? A JamesWright.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q Do you claim your right to enrollment by reason of your marriage to him? A Yes sir.
Q When were you and he married? A We have been married about twenty-nine years.
Q Does your name appear upon the roll of 1880? A Yes sir.
Q With his? A Yes sir.
Q Were you ever married before you married him? A No sir.
Q Was he ever married before he married you? A Yes sir.
Q What was the name of his firs wife? A Awy Muskrat.
Q Is she living? A No sir.
Q Was she living when you were married? A No sir.
Q Is that the only time you were ever married? A Yes sir.
Q He is your first husband, and you are his second wife? A Yes sir
Q Have you and he lived together continuously since your marriage?
A Yes sir.
Q Were you living together on the 1st day of September, 1902?
A Yes sir.
Q Never been separated at all? A No sir.
Q Have you resided in the Cherokee nation continuously since you married him about twenty-nine years ago? A Yes sir, lived together ever since.we were married, never been parted.
Q Have you lived in the Cherokee Nation continuously? A Yes sir, that is all I know. I don't know anything but the Cherokee Nation.
Q How long has your husband resided in the Cherokee nation?
A All his life, I reckon.
Q Born and raised here and lived here continuously all his life?
A Yes sir.
Q Have either of you been outside the Cherokee nation for any purpose within the past five years? A No sir.
Q You have how many minor children that application was made for?
A Five.
Q Are all of these children living at this time? A Yes sir.
Q You have children die since you were enrolled? A No sir.

[illegible]

[illegible] was not a part of the [illegible]

[illegible]

[illegible] the [illegible] is a true and complete [illegible]

[illegible]

Subscribed and sworn to before me this 15th day of [illegible]

[illegible]
Notary Public.

COPY

FCM

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
February 20, 1907.
Cherokee 7452.

In the matter of the application for the enrollment of Hattie Wright as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: (Applicant appeared in person.
(Cherokee Nation represented by W.W.Hastings.
(Commissioner.

HATTIE WRIGHT, being duly sworn by Walter Chappel, a Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is you name?
A Hattie Wright.
Q What is your age?
A Well, I haven't got any education and I can't tell you exactly my age, I think I was about six years old when the war first begun; it is pretty hard to tell, I have no education.
Q Mrs. Wright, you appear here to-day for the purpose of giving testimony relative to your right to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes.
Q Are you a white woman, Mrs. Wright ?
A Yes sir.
Q What was the name of your father?
A Hall was his name, I don't remember my father; my father was gone before I can remember him.
Q What was the name of you mother?
A Annie Walker.
Q Then she was married to a white man before she married her Cherokee husband Walker?
A I guess so.
Q What is the name of the husband through whom you claim you right to be enrolled as a citizen of the Cherokee Nation?
A James Wright.
Q Is he a Cherokee by blood?
A Yes sir.

Q Is he a full blood?
A Yes sir.
Q When were you married to James Walker?
A Well, it has been about 32 years ago.
Q About 32 years ago?
A Yes sir, as good as I can remember.
Q You don't remember what month you were married in?
A No sir, I don't remember.
Q was it in the winter?
A It was between Christmas and New Years, about the last of December, I think.
Q In about the last of December 32 years ago you were married?
A Yes sir.
Q Have you any children, Mrs. Wright?
A Yes sir.
Q How many?
A Eight living.
Q what is the name of your oldest child?
A Ailey Wright.
Q Do you remember when she was born, Mrs. Wright?
A No, I cannot remember that.
Q How long after you were married?
A About two years, I believe.
Q About two years?
A Yes.

Examination by W. W. Hastings, attorney for Cherokee Nation:

Q About how old is Ailey now?
A I can't just exactly tell you; I can tell you just the way I counted it she would be thirty years old the 27th of next month, I may be mistaken, though.
Q The 27th of next month?
A Yes sir, March, I can't say exactly, we lost her age, we had it down but I lost it, it is pretty hard for anyone without any education to tell all these things.
Q Now then, your best judgment is that you had been married about two years when Ailey was born?
A Yes sir.
Q She was your oldest child by your husband James Walker?
A Yes sir, the oldest one living.
Q Did you have one child born before Ailey was born?
A Yes sir, the oldest one died.
Q Did it die while it was an infant?
A Yes sir, it died when it was about three weeks old.
Q Then Ailey was born only about two years from your marriage?
A Yes sir.
Q And you think Ailey was born in March?
A Yes sir, the 27th of March, I couldn't tell you exactly, I am just a guessing at it.
Q Then she may not be thirty years old in March?
A Why, no, I couldn't tell, I am just a guessing at it.
Q You are just guessing at it?
Q Yes sir.
Q Now where were you and him married?
A Where were we.
Q Yes
A There on Honey Creek.

Q Who married you?
A Ben Hilderbrand.
Q Is he living?
A No sir, he is dead.
Q Is he that preacher that used to preach near Neaty's?
A Yes sir.
Q Was he a preacher that early?
A No sir, we were married by what they call old Cherokee laws, and after the new laws come in we were lawfully married by Mr. Hilderbrand.
Q When were you lawfully married?
A I couldn't tell you that exactly.
Q About how long ago?
A About eight or nine years ago.
Q You never were married by a preacher until 8 or 9 years ago?
A No sir.
Q In other words you took up together and lived together before Ailey was born?
A Yes sir.
Q And you were married by a preacher eight or nine years ago?
A Yes sir.
Q Did you get a license from the United States Court eight or nine years ago?
A I don't know, I don't know anything about a license or nothing about it at all.
Q Where was you married?
A Over on Honey Creek at home.
Q Where was Ben Hilderbrand then living?
A Living on Pawpaw.
Q That is out west there?
A Yes sir, he goes down in there preaching.
Q He didn't commence preaching until ten or fifteen years ago?
A I guess not, I don't remember.
Q The first time that you were lawfully married by a preacher to Jim Wright through whom you claim citizenship, was eight or nine years ago?
A Yes sir.
Q And that was by Ben Hilderbrand?
A Yes sir.
Q And he was a regular preacher?
A Yes sir.
Q And before that time you and Jim just lived together and these children were born to you?
A Yes sir.

ON BEHALF OF THE COMMISSIONER:

1880 examined, Page 339, Delaware District, opposite No. 2961, Hattie Wright, adopted white, 19 years of age; opposite No. 2962 Ailey Wright, native Cherokee, two years of age.

WITNESS EXCUSED.

JOE FOX, being duly sworn by Walter Chappel, a Notary Public, testified as follows:

ON BEHALF OF THE CONTESTANTS:

Q What is your name?
A Joe Fox.
Q What is your age?
A Let's see---be 61 in next month.
Q What is your postoffice address?
A Grove.
Q Mr. Fox, you appear here today for the purpose of giving testimony relative to the right of Kattie Wright to enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Is she a white woman?
A Well, been adopted.
Q She is a white woman?
A Yes sir, she is white.
Q How long have you been acquainted with her?
A Well, she come up before the war.
Q Are you acquainted with her husband?
A Oh, yes.
Q What is his name?
A Jim Wright.
Q Is he a Cherokee by blood?
A Yes sir, a full blood.
Q Mr. Fox, do you remember when these people were married?
A The way I know it, it must be about 32 years ago.
Q Thirty-two years ago?
A Yes sir, near as I know, just about that.
Q What time in the year were they married?
A I believe somewhere in January, I think.
Q January, thirty-two years ago?
A Yes, 32 years ago, or close in there.
Q Since their marriage have they continuously resided together as husband and wife and remained in the Cherokee Nation?
A Yes sir.
Q Never been separated?
A No.
Q Were they married by a minister?
A Yes sir, a preacher.

By W.W. Hastings, attorney for the Cherokee Nation:

Q What preacher married them?
A It was Hilderbrand.
Q Ben Hilderbrand?
A Yes sir.
Q How far do you live from where they were married?
A Why about two miles.
Q About two miles?
A Yes.
Q Were you over there when they were married?
A Yes, I was there.
Q And you witnessed their marriage?
A I wasn't a witness, no sir.
Q That is, you saw them married?
A Yes sir.
Q You saw Ben Hilderbrand marry them?
A Yes sir.

Q That was about thi-ty-two years ago?
A Yes.
Q How many children did they have when Ben Wilderbrand married them, any?
A No.
Q What kind of a house were they living in?
A Just a little old log house.
Q Whose house was it?
A Jim Wright's.
Q Where was this woman living at this time?
A She dead to stay with her mother before she married Jim Wright.
Q Did she go over to Jim Wright's house to get married?
A Yes sir.
Q I want to know at whose house they were married?
A They were married right down at the Quah-la-tah place.
Q Who was living there?
A Quah-la-tah.
Q They were married at Quah-la-tah's house?
A Yes sir.
Q Who was living there at the time they were married?
A Quah-la-tah.
Q How long has Quah-la-tah been dead?
A I couldn't tell you.
Q Now, you know Ben Wilderbrand was not a preacher 32 years ago, he used to live right next to me?
A I don't know.
Q You know he wasn't a preacher thirty-two years ago?
A He had been preaching.
Q Well, was he a preacher 32 years ago?
A He was preaching I was informed for some time, I don't know how long he been preaching.
Q Where was Ben Wilderbrand living when he married these people?
A I couldn't tell you where abouts, I used to know.
Q Where was Quah-la-tah living, down there by old man Wilton's on Honey Creek?
A Yes sir.
Q There was where he was living, was it?
A Yes sir, where Man Muskrat used to live.
Q And you were there and saw them married, were you?
A Yes sir.
Q About 32 years ago?
A Yes sir.
Q What makes you remember it was in January?
A Well, the way we talked about it, me and Jim Wright decided it was.
Q You and him got to talking about it between yourselves, when it was?
A Yes sir, and couldn't tell just hardly exactly just when it was.
Q Well, now say, Joe, this woman was on the stand just now and she has already been examined and she gave some testimony and she swore that Ben Wilderbrand married them about eight or nine years ago, and she swore that she was not married to him 32 years ago and that they took up and lived together and that Ben Wilderbrand didn't marry them until eight or nine years ago;

and you been on the stand and you are swearing that Ben Wilderbrand married them 32 years ago, now how are you going to account for her statement as I have told you she has testified in the record?
A Well, I know that Ben did marry them.
Q She stated that they were not married by Ben Wilderbrand until eight or nine years ago, and she said they lived together a number of years before this marriage by the preacher, now are you going to deny that?
A Well - - - - - (Witness mumbles something unintelligible).
Q Are you going to deny that they lived together a long time before Ben Wilderbrand married them?
A They were married, that's all.
Q Don't you know that they lived together a long time before Ben Wilderbrand married them?
A I expect they did.
Q Why don't you tell it then?
A Well, I knew he was married to her.
Q Yes, but you are telling that he married her thirty-two years ago, now I want to know the truth about how many years ago did this preacher marry them, you are a preacher now, you ought to be more careful?
A Just about to forget that.
Q Now since you come to remember you know they had lived together a long time before they were married by the preacher?
A Yes.
Q And they had some children?
A Yes sir.
Q Before they were married?
A Yes sir, they got eight.
Q I don't want to excit you I want to know the truth, tell me the truth about it?
A I expect they lived together a while anyhow.
Q Did they live together a while before they were married?
A Yes.
Q Did they have some children before they were married?
A Yes sir.
Q How many children now, did they have before they were married?
A Somewhere two, or three, or four, I guess.
Q Well, now since you come to think about it, how many years ago do you think it was that Ben Wilderbrand married them?
A Well, I - - - somewhere along ten years, somewhere along there.
Q About ten years ago?
A Yes sir.

WITNESS EXCUSED.

SARAH MORGAN, being duly sworn by Walter Chappell, a Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name?
A Sarah Morgan.
Q Your age?

A I guess my age is about 71 or 72.
Q What is your postoffice address, Mrs. Morgan?
A Grove.
Q Mrs. Morgan, you appear here to-day for the purpose of giving testimony relative to the right of Hattie Wright as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Is she a white woman?
A Well, I cant tell you that, what kind of blood she has got.
Q She has always been regarded as a white woman, has she?
A Yes sir.
Q What is the name of her husband?
A Jim Wright.
Q Is he a Cherokee?
A Yes sir.
Q How long have you known them?
A Well, I have known Jim Wright and his wife about 31 or 32 years.
Q You remember when they were married?
A I don't know anything about that, I know they were living together.
Q About how long ago has it been since you first know them?
A About thirty-one or two years ago, somewheres along there.
Q How do you account for it being about thirty-one or two years ago?
A I know by studying and thinking these things over.
Q What time in the year did you become acquainted with them?
A I don't know.
Q Don't you know whether it was in the winter or the summer?
A I don't know, I didn't think that was necessary.
Q If you didn't keep time as to anything, how do you know it has been thirty-one years ago?
A I just know, that's all.
Q Have you any idea how old Hattie Wright is?
A No, I don't know, she must be somewhere in forty or fifty-one, somewhere along there, I don't know exactly.
Q Did they have any children when you first became acquainted with them?
A No sir.
Q Didn't have any at all?
A No sir.
Q How long after you became acquainted with them before they had any children?
A About a year, I think.
Q Then you became acquainted with them about 31 years ago and it was about a year after you became acquainted with them before they had any children?
A Well, I think it was that long.
Q Since you became acquainted with them have they continuously resided together as man and wife and resided in the Cherokee Nation?
A Yes sir.

WITNESS EXCUSED.

Mabelle Scheneur, stenographer to the Commissioner to the Five Civilized Tribes, states on oath that she reported the proceedings had in the above entitled cause on the above named

date and that the foregoing is a true and correct transcript of her stenographic notes taken in said cause on said date.

(signed) Mabelle Mahoney

Subscribed and sworn to before me this 21st day of February, 1907.

(signed) R.P. [illegible]
Notary Public.

F.R.

Cherokee 7484.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hattie Wright as a citizen by Intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, May 14, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Hattie Wright as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 27, 1902, and at Muskogee, Indian Territory, February 20, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Hattie Wright, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such rights as she may have acquired by virtue of her marriage to one James Wright a recognized citizen by blood of the Cherokee Nation who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No. 2960, as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 17701.

It is alleged on the part of the applicant that she and the said James Wright cohabited and lived together as husband and wife in the Cherokee Nation from about the year 1875, and that in the year 1897, they were married by a duly authorized minister, which affirmed their prior common law marriage.

Hattie Wright testified before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on February 20, 1907, that she and the said James Wright had been living together for a period of about two years when their oldest child Ailey Wright was born.

The said Ailey Wright is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, Page 339, opposite No. 2962, as a native Cherokee.

It also appears from examination of said rolls that the said Ailey Wright was two years of age at the date of the making of said roll.

The applicant, Hattie Wright, is identified on the Cherokee authenticated tribal roll of 1880, as an adopted white, nineteen years old, showing that she was fourteen years of age at the time it is alleged she became the wife of said James Wright.

In view of the foregoing, it is [illegible] that the evidence in this case is not [illegible] to support a finding that the [illegible] Frank Wright and Mattie Wright were married prior to November 1, 1898.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Hendrick Ned Bird, et al, vs the United States Nos. 126, 127, 128 and 129, the said applicant, Mattie Wright, is not entitled under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 28 1907.

Form No. 260.

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INCORPORATED

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ROBERT C. CLOWRY, President and General Manager.

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[illegible] Muskogee, Indian Territory, [illegible] 12, 1907

[illegible],

[illegible], [illegible].

[illegible] proof of [illegible] necessary [illegible] to interpreted case of [illegible]. Case of [illegible] in nine states. [illegible] immediately.

[illegible],

[illegible] Commissioner.

☞ READ THE NOTICE AND AGREEMENT ON BACK. ☜

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ROBERT C. CLOWRY, President and General Manager.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Hattie Wright, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl. F-38.

Through the Commissioner of Indian Affairs.

Cherokee 7484

COPY

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Hattie Wright, as a citizen of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl. F-39.

Cherokee 7484 COPY

Muskogee, Indian Territory, February 28, 1907.

Hattie Wright,

Southwest City, Missouri.

Dear Madam:

There is enclosed herewith a copy of a decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl. F-40.

Register.

~~D.C.18276-1907.~~
I.T.D.8022-1907

SPECIAL

DEPARTMENT OF THE INTERIOR, FHE JfJr.

WASHINGTON.

DIRECT.

LRS March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee enrollment cases adverse to the applicants, received with Indian Office letter of March 4, 1907 (Land 21844-07), copy inclosed, are hereby affirmed, viz:

Will E. Linton (Intermarried)

Franklin Andrews (Intermarried)

Relative to the Cherokee intermarried case of Hattie Wright, also received with said Indian Office letter, you are advised that in view of the opinion of the Attorney-General in the John W. Gleason case, your decision adverse to her is hereby reversed, and you are directed to enroll said Hattie Wright as a citizen by intermarriage of the Cherokee Nation.

The papers in the cases have been sent to the Indian Office with a copy hereof.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc and
__ for Ind Of. with
copy hereof.

AFMc
I.A.07

I. T. references in
body of letter.

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

May 18, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42892- "	Osburn J. Byrd
42886- "	Annie Beck
42894- "	Sarah F. Gage
42892- "	Phiroma Harris
42888- "	Daniel Harman
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Bevie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, new Kernan
42887- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-FMK.

Cherokee
253. etal

Muskogee, Indian Territory, May 28, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.6-20
LMC

Cherokee
237

Muskogee, Indian Territory, May 25, 1907.

Mattie Wright,
Southwest City, Missouri.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-17
LMC

EMPTY

EMPTY

Cher IW 240 Amanda Beck

Cher IW 240

COMMISSION
FILED
OCT 20 1902

ACTING CHAIRMAN.

Cherokee 5462.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 3, 1902.

In the matter of the application of David M. Beck for the enrollment of himself and children, Osborn A., Wesley C., David M. Jr., Martha A., Walter F., George L., and Birtha Beck, as citizens by blood of the Cherokee Nation, and forthe enrollment of his wife, Amanda Beck, as a citizen by intermarriage of the Cherokee Nation; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A David M. Beck.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.,
Q What is your wife's name? A Amanda.
Q She claims to be a citizen by intermarriage of the Cherokee Nation, does she? A Yes sir.
Q Is she the same Amanda Beck for whom application was made to the Commission for enrollment as an intermarried citizen on November 16, 1900? A I couldn't tell you.
Q Has she made applisation? A Yes sir, she went on the roll all right.
Q What is her age at this time? A 44.
Q When were you and your wife Amanda married, Mr. Beck? A I couldn't tell you that either.
Q How long ago about? A About twenty years ago. It was about in '79.
Q Where were you married, Mr. Beck, to your wife, Amanda, here in the Cherokee Nation? A Yes sir.
Q Were you ever married prior to your marriage to Amanda? A Yes sir.
Q How many times had you been married before that? A Twice.
Q Were your two first wives Cherokees? A My first wife was a Cherokee and the second was a white woman.
Q Was your first wife dead when you married your wife Amanda? A Yes sir.
Q Was your second wife dead when you married Amanda? A No, she run away from me.
Q Did you ever get a divorce? A Yes sir.
Q You filed a copy of the divorce with the Commission when you made your original application did you? A I don't know whether I did or not; I didn't take any notice of it at all.
Q You married your wife Amanda before the 1880 roll was made? A Yes sir.
Q Have you and your wife Amanda Beck, lived together as husband and wife ever since your marriage up until the present time? A Yes, only I would get mad some time and go awayfor a day or two.
Q You never actually have been separated? A No sir, never have been and aint going to be if I can help it.
Q And you and she were living together on the first day of September, 1902? A Yes sir.
Q How long has your wife, Amanda, lived in the Cherokee Nation? A All her life.
Q Have you lived in the Cherokee Nation ever since the 1880 roll was made? A Yes.
Q Lived here all the time for the last twenty years? A Yes.
Q Are these children, Osborn A., Wesley C., David M. Jr., Martha A., Walter F., George L. and Birtha your children by your wife Amanda? A Yes sir, these are all my children by Amanda.
Q Are all these children whom I have named living at this time? A Except one, the last one.
Q Birtha is dead is she? A Yes sir.
Q When did she die? A The 2nd day of last August, about two months ago.

S-David M. Buck et al.

Q. Have all these children lived in the Cherokee Nation ever since they were born up to the present time? A. Never were anywhere else.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 17th day of October, 1902.

T. B. Jones
Notary Public.

C.F.B. Cherokee 5462

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amanda Beck as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Chelsea, Indian Territory, November 16, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Amanda Beck as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 3, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Amanda Beck, who is identified on the Cherokee authenticated tribal roll of 1880, page 227, No. 303, Delaware District, as an intermarried citizen of the Cherokee Nation, is a white woman, and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by reason of her marriage to her husband, David M. Beck, a citizen by blood of the Cherokee Nation. The evidence further shows that said Amanda Beck was married prior to her marriage to the said David M. Beck, and fails to show that her former husband was dead, but affirmatively shows that she had not been divorced from him at the time of her marriage to the said David M. Beck. It is shown by a preponderance of the evidence that the marriage of said applicant to the said David M. Beck did not occur until 1879, and it is considered that granting that said marriage did occur prior to November 1, 1875, by reason of the invalidity of said marriage, the said Amanda Beck would have acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Amanda Beck, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 19 1907.

Cherokee
5462.

Muskogee, Indian Territory, December 29, 1906.

Amanda Beck,

Chelsea, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

H.J.C.

Commissioner.

Cherokee 5482.

Muskogee, Indian Territory, February 19, 1907.

Amanda Beck,

Chelsea, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc I-112

RPI

Register.

Cherokee 3468

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of Amanda Beck as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-111

RPI

Commissioner.

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Amanda Beck as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, rejecting said application.

Respectfully,

Enc I-113

Commissioner.

NPI

Through the Commissioner
of Indian Affairs.

(C O P Y)

D.C. 13260-1907. FHE. JEJr.

SPECIAL
DEPARTMENT OF THE INTERIOR,

I.T.D. 7834,
7618, 7674, 8028,
8030-07.

WASHINGTON.

March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department, in view of the opinion of the Attorney-General in the John W. Gleason case, and that of the Assistant-Attorney-General in the Jacob Bartles case, hereby reverses your decisions adverse to the applicants in the following Intermarried Cherokee enrollment cases, and their applications for enrollment are granted. You are directed to enroll all of such applicants as citizens by intermarriage of the Cherokee Nation:

Title of case?	Date of your letter of transmittal.
Amanda Beck,	February 19, 1907.
Osburn J. Byrd,	February 4, 1907.
Rufus M. Allen,	February 4, 1907
Daniel Harmon,	February 28, 1907
Nancy Wolfe,	February 28, 1907

Copies of Indian Office letters submitting your reports are inclosed. The papers in the various cases mentioned have been sent to the Indian Office with a copy hereof.

Respectfully,

Jesse E. Wilson

Acting Secretary.

5 inc. and
___ for Ind. Of. with copy hereof.

A.F.Mc.
3-4-07
(No encls. R.H.)

GAW

I. T. references
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Dovie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-FHE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Dovie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert E. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the Office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

May 13, 1907

Approved.

Thos Ryan

First Assistant Secretary.

Cherokee
253 et al.

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

Cherokee
240

Muskogee, Indian Territory, May 28, 1907.

Amanda Beck,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-4
LMC

Cher I W 241

Cher I W 241

3866

a

Commissioner.

Dated at Washington, D. C. October 1, 1900.

Approved:

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE
FILED
OCT 8 1900

Attorney.

-Bonds are stated as follows:

Affected in the Miller estate that as the entry man's bond, the
and that the Miller, and the case, and the
before circuit court of the State of Utah, and
Commissioner, and the
Land Office, and
the

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 1st, 1900:

In the matter of the application of Osburn J. Byrd for the enrollment of himself and children as citizens of the Cherokee Nation; said Byrd being sworn by Commissioner T.B.Needles, testified as follows:

Q What is your name? A Osburn J. Byrd.
Q What is your age? A 53.
Q What is y ur post office address? A Fairland.
Q What district do you live in? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You are a Shanwee by blood are you? A Yes, sir.
Q By blood? A No, sir.
Q By intermarriage? A Yes, sir.
Q What is the name of your wife? A Julia Ann Klick, was her maiden name.
Q What is her age? A She is deceased, she died in 1891, her age thenwas 42.
Q What was her father's name? A I do not know, I could ascertain.
Q Do you knww her mot hers' name? A No, sir I do not, they were indian names.
Q Are they living? A No, sir, they are dead.
Q Have you a certificate of marriage? A No, sir, I have not; I had but I lost it. I was married in 1874.
Q Have you any children? A Seven.
Q Please give me the names of the oldest one at home? A Susan P.; 19 years old.
Q The next one? A Annie D.
Q How old is Annie D.? A 17.
Q The namce of the next one? A Eva R., 15.
Q Nextone? A Fitzhugh Lee.
Q How old is Fitzhugh? A She is 11.
Q These children are all alive and living with you? A Yes, sir.
Q How long have you lived in the Chero kee Nation ? A I have lived here, sir, ever since before I was married.
Q Living here now are you? A Yes, sir.
Q Your wife died in 1892? A 1891.
Q Have you b en married since? A No, sir.

1880 enrollment; page 220, #135, Osburn Bird, Delaware.
1896 enrollment; page 598, #64, Susan P. " "
1896 enrollment; page 598, #65, Annie D. " "
1896 enrollment; page 598, #66, Eva R. " "
1896 enrollment; page 598, (#69) Fitzhugh L.Bird, " #67
1896 enrollment; page 565, #32, Osburn J. Bird, Delaware.

Q These children are all residents of the Cherokee Nation? A Yes, sir, always have been.
Q You are not a citizen by blood? A No, sir.

Com'r Needles:--The name of Osburn J. Byrd appears upon the authenticated roll of 1880 as an intermarried white. His name is also found upon the census roll of 1896. The names of his children, Susan P., Annie D., Eva R. Fitzhugh Lee, are found upon the census roll of 1896. They all being duly identified according to the page and number of the rolls asindicated in the testimony and having made satisfactory proof as to their residence, the said Osburn J. Byrd will be duly listed for enrollment as a Cherokee citizen by intermarriage, and his childre as enumerated in the testimony, will be duly listed as Cherokee citizens by blood.

---oooOOO--

[illegible] 7, [illegible]

J. O[illegible]son, being duly sworn, states that as stenographer to the Commission [illegible] Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn before me this third day of October, 1900.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 28 1902

ACTING CHAIRMAN

Cherokee 3866

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., SEPT. 23, 1902.

In the matter of the application for the enrollment of Osburn J. Byrd et al. as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

An examination of the 1880 authenticated Cherokee roll shows that Julia A. Byrd, deceased wife of the applicant, Osburn J. Byrd, is identified on said roll as an adopted Shawnee, page 220, Delaware District, #136, as Julia Bird.

It is ordered that copies of this statement be filed with the testimony in this case.

Commissioner.

SUPREME COURT, U.S.
MOTION TO THE FIVE CIRCUIT
FILED
OCT 10 1902

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 30th, 1902.

In the matter of the application of Osburn J. Byrd for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his children Annie D., Eva R., Fitzhugh L. and Susan P. Byrd as citizens by blood of the Cherokee Nation.

Supplemental to #3866.

Appearances:

Applicant appears in person.
J. C. Starr for Cherokee Nation.

OSBURN J. BYRD, being duly sworn, testified as follows:--
Examination by the Commission.

Q. What is your name, Mr. Byrd? A. Full name?
Q. Yes. A. Osburn J. Byrd.
Q. What is your age at this time? A. I am about 55, sir.
Q. What is your post office? A. It is Vinita now. It was Fairland at the time I gave the-----
Q. Are you the same Osburn J. Byrd that applied to his Commission on October 1st, 1900, for enrollment as an intermarriedcitizen?
A. Yes, sir.
Q. What is your wife's name? A. Julia Ann. It was her name. She has been dead a good many years.
Q. Is your wife living or dead? A. Dead.
Q. What was her name before you married her? A. Julia Elick.
Q. Is she a citizen by blood? A. Yes, sir.
Q. When were you married? A. In 1874, sir. Early in 1874.
Q. Married under a Cherokeelicense? A. Yes, sir.
Q. When did she die? A. In September or October, 1891.
Q. Did you and she live together from the time of your marriage up to the time of her death all the time? A. Yes, sir, all the time.
Q. Never was separated? A. No, sir.
Q. Have you married any other woman since you married her? A. No, sir.
Q. Have you married since her death? A. No, sir.
Q. Were you single on the first of September, 1902? A. Yes, sir.
Q. How long have you lived in the CherokeeNation, Mr. Byrd?
A. Lets see, sir. I have lived in here ever since I was married; I believe I was in here a year or two prior to that.
Q. Have you lived in the Cherokee Nation all the time since 1880?
A. Yes, sir.
Q. Are these children, Annie D., Eva R., Fitzhugh L. and Susan R., your children by your Cherokee wife? A. Yes, sir.
Q. Are these children all living at this time? A. Yes, sir.
Q. Living with you at home? A. Yes, sir.
Q. At Vinita? A. Yes, sir.
Q. Have they lived in the Cherokee Nation all their lives?
A. Yes, sir.
Q. Born and raised here? A. Born and raised here; yes, sir.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 10th day of October, 1908.

B. A. Jones
Notary Public.

Cherokee 3866.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., January 7, 1907.

In the matter of the application for the enrollment of Osburn J. Byrd as a citizen by intermarriage of the Cherokee Nation.

Osburn J. Byrd being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Osburn J. Byrd.
Q Your age? A Sixty years.
Q And your postoffice address? A Fairland, I. T.
Q You claim to be a citizen of the Cherokee nation by intermarriage? A Yes sir.
Q Through whom do you claim citizenship? A By intermarriage with Julia Ann Cheteau, whose maiden name was Julia Ann Aleck.
Q Is she living at this time? A No sir.
Q What time did she die? A In 1891.
Q When were you married to her? A I was married in 1874; January, and really, I have forgotten the date. It was the latter part of January, though.
Q You are positive of the year are you? A Yes sir. Either the latter part of January or the first days of February, but I am satisfied it was in January. And I want to say right here--it looks very funny too. She was a widow. Her maiden name was Julia Ann Aleck and her husband only lived three or four months I think it was, and she didn't go by the name of Mrs. Cheteau but very little, and whether I married her under the name of Cheteau or Aleck I forget, but I think it was Cheteau.
Q Where were you married to her? A South of Chetepa six miles.
Q Was that under a license of the Cherokee Nation? A Yes sir
Q Have you the license with you? A No, I havn't, nor the certificate either, but I have evidence; plenty of it.
Q You have no documentary evidence? A No, unless it is in the Delaware records.
Q Has you ever married prior to your marriage to Mrs. Cheteau
A No sir.
Q Was she ever married prior to her marriage to you? A Yes, to Frank Cheteau.
Q Was he living at the time you married her? A No sir.
Q From the time of your marriage in 1874, did you and your wife live together continuously as husband and wife up until the time of her death in 1891? A Yes, up to her death.
Q And lived in the Cherokee nation did you during that time?

Q She was a citizen of the Cherokee nation and recognized as such at the time of your marriage to her? A Yes sir.
Q In that district were you married? A Delaware District.
Q You have no documentary evidence at all? A No, I had, but I lost it after so many years.
Q Was the license filed for record? A Yes sir.
Q Where? A In Delaware District, with the clerk.
Q Have you married since the death of your wife? A No.
Q You still reside in the Cherokee Nation? A Yes sir.
Q And have all the time since her death? A Yes sir.
Q You say you have no documentary evidence of your marriage have you ever in possession of any such? A I sent my license to the clerk and he kept telling me that he would send it back, but he never did. I have a certificate from the minister to marry me, but I lost that.
Q Is that minister living at this time? A I don't know; he was at Chetopa, Kansas, and he moved away.
Q Is anybody present here at this time who was present at your marriage? A Jackson Mills and Johnny Chateau and Edmund Chateau.
Q What are their postoffice addresses? A Mills is Welch and the Chateaus are Vinita.
Q Did you ever make application to any of the commissions of the Cherokee nation for enrollment as a citizen? A Yes, and I am on all the rolls since that time.
Q Did you ever personally appear before the Adair court or any of these tribunals, and have any formal action taken admitting you? A The only way I could be admitted was by intermarriage according to the Cherokee law.

The name of the applicant, Osburn J. Byrd, appears on Cherokee Field Card No. 3866, and is included in the 1880 authenticated roll of citizens of the Cherokee Nation, Delaware District opposite No. 135.
The name of the applicant is also found on the 1896 Cherokee roll, opposite No. 32.

Edmund Chateau, being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Edmund Chateau.
Q Your age? A Forty.
Q Postoffice address? A Vinita, I. T.
Q Are you related to Osburn J. Byrd, the applicant in this case either by blood or marriage? A By marriage is about all. His wife was related to be once.
Q Were you present at his marriage to Julia Ann Chateau?
A Yes sir.
Q Where were they married? A They were married about six miles from Chetopa, Kansas, in the Territory.
Q What was the date of the marriage? A Along in January. The middle of January or last of the month, in 1874.
Q Were they married under a license of the Cherokee Nation?
A It was performed by a minister, and of course he got the necessary signers.
Q Was this marriage under a license of the Cherokee Nation?
A It was according to the requirements of getting up signers, if that is the idea.
Q You are a citizen of the Cherokee nation by blood? A Yes.

Q Were you one of the signers to Mr. Byrd's petition?
A I was [illegible] my [illegible] was.
Q You do not know by whom the marriage license was issued?
A No, I don't know who issued it.
Q You don't know to whom they presented this petition?
A No sir.
Q How old were you at the time of the marriage? A About eight years old.
Q Then of your own knowledge you wouldn't know very much regarding this license. A No, not that part. I remember getting up the signers and that my father signed it.
Q Did Mr. Byrd and his wife live together continuously in the Cherokee nation from the time of their marriage up until her death in 1891? A Yes sir.
Q Held themselves out as man and wife and were so regarded in the community? A Yes sir.

Witness excused.

Thomas J McGhee, being first duly sworn by Frances R. Lane, a Notary Public for the Western District, Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Thomas J. McGhee.
Q Your age? A Sixty-two.
Q And your postoffice address? A Briton, I. T.
Q Do you know Osburn J. Byrd? A Yes sir.
Q How long have you known him? A I have known him I guess thirty years.
Q Did you know his wife? A No sir.
Q Do you know anything with reference to the marriage license being issued to Osburn J. Byrd and Julia Ann Chateau in the years 1874
A Mr. Milton issued them their license. Milton was acting as clerk when I was judge of that district.
Q Of your own knowledge you don't know anything about the issuance of this particular license do you? A No, I don't. Milton made a record of what he did, and the record would show of itself.

In Marriage record, Delaware District, Book E. appears the record showing that Osburn J. Byrd, a citizen of the United States, was licensed to marry ____ Chateau, a citizen of the Cherokee nation, said license having been issued January 9, 1874. The license was returned executed January 23, 1874. Said record is signed by S. N. Melton, Clerk of Delaware District.

John Chateau, being first duly sworn by Frances R. Lane, a Notary Public for the Western District, testified as follows:
By the Commissioner:
Q What is your name? A John Chateau.
Q What is your age? A Forty-six.
Q Your postoffice address? A Vinita, I. T.
Q Do you know Osburn J. Byrd? A Yes sir.

Q How long have you been [illegible]? A Since I was [illegible] years old.

Q Did you ever [illegible] the marriage of [illegible]?

A Yes sir.

Q When were they married? A They were married along in [illegible], 1878, at my [illegible] on Bull Creek.

Q Did the [illegible] Mr. Byrd were married under a license issued by the Cherokee nation? A Yes, my father signed the petition.

Q He was one of the signers of Mr. Byrd's petition? A Yes

Q Is Mrs. Byrd living at this time? A No sir.

Q From the time of the marriage of Auburn J. Byrd and his wife, Julia Ann Shotson, did they live together continuously in the Cherokee nation from their marriage until the time of her death? A Yes sir.

Q What was the date of her death? A I can't tell you.

Q Was Mr. Byrd married since her death? A No sir.

Q You say Auburn J. Byrd and Julia Ann Shotson married, did you? A Yes sir.

Q And you know that it was under a Cherokee license?

A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this January 8, 1907.

Edward Merrill
Notary Public.

E.C.M. Cherokee 3866

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of OSBURN J. BYRD as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, October 1, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Osburn J. Byrd, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 23, 1902, September 30, 1902 and January 7, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Osburn J. Byrd, who is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage in January, 1874, to one Julia Ann Byrd; that said Julia Ann Byrd, nee Elliek, who is identified on the Shawnee Register, page 41, opposite No. 316, was a member of the Shawnee tribe of Indians and acquired her right to enrollment as a citizen of the Cherokee Nation by virtue of her compliance with the provisions of the agreement entered into by the Cherokee and Shawnee tribes of Indians on June 7, 1869. In view of the foregoing, it is considered that said applicant acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of his said marriage to Julia Ann Byrd, nee Elliek, in January, 1874, who is not a citizen of the Cherokee Nation of Cherokee blood.

IT IS, THEREFORE, ORDERED AND ADJUDGED; That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Osburn J. Byrd, by reason of his marriage to his said Shawnee wife, is not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 1 1907

3866 Cherokee
In Re Osburn J. Byrd

Motion to dismiss
petition for Review &
Rehearing

copy

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.
RECEIVED
MAY - 8 1907

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Cherokee Roll,

Citizenship of Osburn J. Byrd.

Motion to Dismiss.

Comes now the respondent herein, Osburn J. Byrd, and respectfully shows unto the Honorable Secretary of the Interior, for the purpose of this motion only and not otherwise, that the application for review and reconsideration be dismissed for the following reason, to wit:-

That under the act of Congress approved April 28th., 1906, entitled "An act to provide for the final disposition of the Affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Honorable Secretary of the Interior has no jurisdiction to hear the motion filed by the attorney for the Cherokee Nation, As under section two (2) of the above named Act, the Rolls of the said Indian Tribes affected by said Act shall be completely closed on March 4th., 1907, and the said Honorable Secretary has no jurisdiction to hear any matter or controversy concerning the rolls of the said Five Civilized Tribes.

Respectfully Submitted,

Osburn J. Byrd,

By G. E. McCulloch

His Attorney.

Cherokee
3866

Muskogee, Indian Territory, December 26, 1906.

Osburn J. Byrd,

Fairland, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

JMH

Acting Commissioner.

Cherokee 3866

Muskogee, Indian Territory, February 4,1907.

Osburn J. Byrd,

Fairland, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4,1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision,together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

N-72

Cherokee 3866

Muskogee, Indian Territory. February 4,1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 4,1907, denying the application for the enrollment of Osburn J. Byrd, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

M-72

Muskogee, Indian Territory, February 4, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record of proceedings had in the matter of the application for the enrollment of Osburn J. Byrd, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 4, 1907, denying said application.

Respectfully,

Commissioner.

Through the Commissioner of Indian Affairs.

N-72

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. GAW

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Davie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the Office be authorized to advise Mr. Hastings that the motions for review herein transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

May 13, 1907

Approved.

Thos Ryan

First Assistant Secretary.

Cherokee
I.W. 241.

Muskogee, Indian Territory, May 13, 1907.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that a motion has been filed by the Attorney for the Cherokee Nation for a review of the Cherokee intermarried case of Osburn J. Byrd.

Until this motion shall have been acted on by the Department you are instructed to withhold the preparation of any allotment certificates and deeds describing the land heretofore selected by this applicant as an allotment in the Cherokee Nation.

Respectfully,

S.W.

Acting Commissioner.

Muskogee, Indian Territory, May 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 4, 1907 (I.T.D.7618,7674,7824,8024,8030-1907), granting, among others, the application for the enrollment of Osburn J. Byrd as a citizen by intermarriage of the Cherokee Nation, there is enclosed a motion filed May 9, 1907, by George E. McCulloch, of Vinita, Indian Territory, Attorney for applicant, to dismiss the "motion for review and reconsideration" of this case filed by the Attorney for the Cherokee Nation.

The records of this office fail to show that any motion to reopen or reconsider this case has been filed with it by the Attorney for the Cherokee Nation.

Respectfully,

Through the
Commissioner of Indian Affairs.

Acting Commissioner.

Encl.W-1.
S.W.

Cherokee
I. W. 241.

Muskogee, Indian Territory, May 13, 1907.

George E. McCulloch,
Attorney for Osburn J. Byrd,
Vinita, Indian Territory.

Dear Sir:

Referring to your letter of May 8, 1907, transmitting a motion to dismiss the motion for review and reconsideration of the Cherokee citizenship case of Osburn J. Byrd filed by the Attorney for the Cherokee Nation, you are advised your said motion has this day been forwarded to the Department for its consideration.

Respectfully,

S.W.

Acting Commissioner.

GAW

I. T. references
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions autherizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907		Jacob A. Bartles
42895-	"	Osburn J. Byrd
42886-	"	Amanda Beck
42894-	"	Sarah F. Gage
42892-	"	Phirena Harris
42888-	"	Daniel Harmon
42891-	"	Emma L. Ironsides
42896-	"	Sarah A. Jordan
42881-	"	Davis Johnson
42882-	"	Andrew H. Norwood
42887-	"	Stacy E. Perry
42885-	"	Martha Randolph, now Kernan
42987-	"	John W. Smith
42884-	"	John J. Smith
42890-	"	Robert H. F. Thompson
42889-	"	Mattie Wright
42883-	"	Nancy Wolfe
42880-	"	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AFS-[illegible]

Cherokee
I.W. 241.

Muskogee, Indian Territory, May 25, 1907.

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing the enrollment of Osburn J. Byrd as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

LMT

Cherokee
241

Muskogee, Indian Territory, May 25, 1907.

Osborn J. Byrd,

Fairland, Indian Territory.

Dear Sir:

You are hereby advised that on May 18, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

LMC

Cherokee
Sel

Muskogee, Indian Territory, May 24, 1907.

Geo. H. McCulloch,
Attorney for Osburn J. Byrd,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing the enrollment of Osburn J. Byrd, as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-3
LMC

Cherokee
283 et al.

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

EMPTY

Cher IW 243

Cher IW 243

a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1900

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T. AUGUST 30th, 1900.

IN THE MATTER OF THE APPLICATION OF Daniel Harmon, wife and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Daniel Harmon.
Q What is your age? A Sixty one.
Q What is your Postoffice? A Webbers Falls.
Q Are you a recognized citizen of the Cherokee Nation?
A I am an adopted citizen .
Q For whom do you apply? A Myself and family
Q Wife and children? A Yes sir.
Q What district do you live in? A Canadian.
Q How long have you lived in the Cherokee Nation?
A Since 1866.
Q Continuously? A Yes sir .
Q What is the name of your father? A Joshuaway Harmon.
Q What is the name of your mother? A Henrietta Harmon.
Q Both non citizens? A Yes sir.
Q What is the name of your wife? A Cyntha Harmon.
Q What was her name before you married her? A Pack.
Q When did you marry her ? A 1865.
Q Have you been living with her ever since? A Yes sir.
Q Do you know the name of her father? A Thomas J. Pack.
Q Is he living? A No sir.
Q Did he died before 1880? A Yes sir.
Q What is the name of her mother? A Jane Pack.
Q Is she living? A No sir.
Q Did she died before 1880? A Yesx sir.
Q What are the names of your children; the oldest at home, under twenty one years of age? A Mc Gilbray Harmon.
Q How old is McGilbray? A Twenty.
Q What is the name of the next one? A Benjamin Harmon.
Q How old is Benjamin? A Nineteen.
Q Go on? A Rena.
Q How old is Rena? A Fourteen.
Q Next? A That is all.
Q Are these three children living, and living with you? A Yes sir.
Q At this time? A Yes sir.
Q Born and raised in the Cherokee Nation? A Yes sir.

(1880 Roll, Page 23, #636, Richard Harmon, Canadian District)
(1880 Roll, Page 23, #636, Cyntha Harmon, Canadian District)
(1896 Roll, page 88, #112, Daniel Harmon, Canadian District)
(1896 Roll, Page 33, #896, Cyntha Harmon, Canadian District)
Identification of applicant 's children:
(1896 Roll, page 33, #900, Mack D. Harmon, Canadian District)
(1896 Roll, page 33, #901, Benjamin Harmon, Canadian District)
(1896 Roll, Page 33, #902, Lena Harmon, Canadian District)

The name of Daniel Harmon appears on the authenticated roll of 1880, as Richard Harmon, and upon the roll of 1896, as Daniel Harmon: His wifes name appears on the authenticated roll of 1880, as well as the census roll of 1896: His children, McGilbray, Benjamin and Rena also appear upon the census roll of 1896, they all being duly identified according to the page and number of the rolls, and having made satisfactory proof of their residence, said Daniel Harmon will be duly listed for enrollment by this Commission as a Cherokee citizen by intermarriage, and his wife and children as Cherokees by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing

true and complete transcript of his stenographic notes thereof.

---

x

R R Cravens

Subscribed and sworn to before
me this 11th day of September, 1900.

C B Breckinridge

COMMISSIONER.

92

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 30 1900

ACTING CHAIRMAN

2211

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date AUG 30 1900 1900.

1 (6) Name Daniel Harmon Webbers Falls I.T.

District CANADIAN. Year 1880 Page 23 No. 635

Citizen by blood Mother's citizenship

Intermarried citizen (4)

Married under what law (5) Date of marriage parents Joshua Harmon

License Certificate Henrietta "

2 Wife's name Cynthia Harmon nee Pack.

District CANADIAN. Year 1880 Page 23 No. 636

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law (5) Date of marriage parents Wm Sizz Pack

License Certificate Jane "

Names of Children:

3 William Harmon	Dist. CANADIAN	Year 1816	Page 33	No. 900	Age 20
4 Benjamin "	Dist. "	Year "	Page 33	No. 901	Age 14
5 Lewis "	Dist. "	Year	Page 33	No. 902	Age 14
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

1 on 1880 roll as Richard Harmon

3 " 1816 " " Black R Harmon

X

Cherokee 2201

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., SEPT. 17, 1902.

In the matter of the application of Daniel Harmon et al.
as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

It appears from the testimony that the child listed for enrollment as Lena is given therein as Nena, and also in the field judgment as Nena; but, from examination and investigation of the memorandum made from personal testimony and also from the enrollment that the child is properly listed now as Lena, and should be enrolled as such.

It is ordered that copies of this statement be filed with the testimony in this case.

Commissioner.

COMMISSION TO FIVE CIVILIZED TRIBES
SEP 23 1902
FILED

Cherokee 2291

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., SEPT. 17, 1902.

In the matter of the application of Daniel Harmon et al. as citizens of the Cherokee Nation:

SUPPLEMENTAL STATEMENT.

It appears from the testimony that the child listed for enrollment as Lena is given therein as Rena, and also in the field judgment as Rena; but, from an examination and investigation of the memorandum made from personal testimony and also from its enrollment, that the child is properly listed now as Lena, and should be enrolled as such.

It is ordered that copies of this statement be filed with the testimony in this case.

Commissioner.

FILED
APR - 7 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, April 7, 1905.

In the matter of the application of Daniel Harmon to select an allotment in the Cherokee Nation for his wife Cynthia Harmon, Cherokee citizen roll No. 5980, Field Card No. 2291.

Daniel Harmon, non-citizen husband, being first duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Daniel Harmon.
Q What is your post office address? A Webbers Falls,
Q What is your age? A 66.
Q Are you a citizen of the Cherokee Nation? A Yes, adopted.
Q Is your object in appearing here today to select an allotment for your wife Cynthia Harmon? A Yes sir.
Q Is she living? A Yes.
Q Why is it that she cannot appear and select this in person? A I thought I could file for her.
Q Is the land that you desire to select for your wife under improvement? A Yes sir, mostly.
Q Have you sufficient land for her to make a complete allotment? A Yes sir.
Q Does this land lie west of the Grand river? A It is in the Canandian district.
Q Has either your wife or anyone else ever applied at either the Vinita or Tahlequah Office for an allotment for her? A No sir.

Witness offers power of attorney executed by Cynthia Harmon to Dan W. Harmon, authorizing him to select an allotment for her in the Cherokee Nation dated April 3, 1905.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately recorded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Sworn and subscribed to before me this 7th day of April, 1905.

W. S. Hawkins

Notary Public.

Cherokee 2291.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 3, 1907.

In the matter of the application for the enrollment of Daniel Harmon as a citizen by intermarriage of the Cherokee Nation.

Daniel Harmon, being first duly sworn by Walter W. Chappele, a Notary Public for the Western District, Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Daniel Harmon.
Q What is your age? A Sixty-seven.
Q Your postoffice address? A Webbers Falls, I.T.
Q You claim to be a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Through whom do you claim that right? A My wife.
Q What was her name? A Cyntha Peck.
Q Is she living at the present time? A Yes sir.
Q What is her citizenship? A Cherokee by blood.
Q When were you and Cyntha Peck married? A Married in 1865, the 23rd of February.
Q Where were you married? A Choctaw Nation.
Q Were you married under Cherokee license? A No sir.
Q Under what law were you married? A Got married by a minister.
Q In the Choctaw nation? A Yes sir.
Q What citizenship was your wife at the time you were married? A She was Cherokee; She left the nation on account of the war.
Q And was residing in the Choctaw nation at the time of your marriage? A Yes sir.
Q How long did you continue to live in the Choctaw nation after you were married? A I think we moved up here in 1866 or 1867.
Q After your removal to the Cherokee Nation were you remarried under a Cherokee license? A No, Indians didn't have to to marry an Indian; we didn't have to marry under a license. I am an Indian myself-- aCreek.
Q Have you made application for enrollment in the Creek Nation? A Yes sir.
Q Has your application been disposed of? A I was admitted by the House of Kings and they told me that they would get me on the roll and then they said it was not lawful, that it should have gone through both houses.
Q Have you made application to this commission for enrollment as a citizen of the Creek Nation? A Yes sir.
Q Has that application been disposed of? A They couldn't admit me as a Creek.
Q They refused to admit you as a Creek citizen, this Commis-

sion did? A Yes sir.
Q And you and your wife removed to the Cherokee Nation in 1866 where you have since lived? A Yes, near Webbers Falls.
Q And you have lived here continuously since that time?
A Yes sir.
Q The only marriage ceremony performed between you and your wife was the ceremony performed in the Choctaw nation?
A Yes sir.
Q Had either you or your wife ever been married prior to your marriage in the Choctaw Nation? A No sir.

The applicant Daniel Harmon is identified on the authenticated Cherokee tribal roll of 1880, and Cherokee Census roll of 1896, Canadian District, No. 635 and 112 respectively, as an intermarried white. The records of this office show that Cyntha Harmon, nee Peck is included in an approved partial roll of citizens by blood of the Cherokee Nation, opposite No.5950.

Frances R. Lane being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the above and foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this January 4, 1907.

Edward Merrick,
Notary Public.

E C M Cherokee 2291.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of DANIEL HARMON as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 30,1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Daniel Harmon as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 14, 1902 and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Daniel Harmon, is a non-citizen of the Cherokee Nation and possesses no right to enrollment as a citizen of said Nation other than such right as he may have acquired by virtue of his marriage February 23, 1865 to one Cynthia Harmon, nee Pack, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District No.636 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.5950. It is further shown that said marriage was not in accordance with Cherokee law, the said Daniel Harmon having failed to secure a license as required by the laws of the Cherokee Nation. It is also shown that said Daniel Harmon was not at the time of said marriage a citizen of the Creek Nation and has never been recognized as such, his name not being identified on any of the Creek tribal rolls now in possession of this office. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Daniel Harmon, is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

SIGNED *Tams Bixby.*
Commissioner.

Dated at Muskogee, Indian Territory,

this_____.

Cherokee 2291

Vinita, Indian Territory, March 10, 1903.

Commission to the Five Civilized Tribes,
(Creek Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

On August 30, 1900, Daniel Harmon applied to this Commission for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Cyntha, and three children, McGilbry, Benjamin and Lena, as citizens by blood of the Cherokee Nation. A note on this card in this case is to the effect that Daniel Harmon is listed on old Creek Census card #1618.

I respectfully request to be advised if any of the persons named above are applicants for enrollment as citizens of the Creek Nation, and if so, what disposition has been made of their applications.

Respectfully,

Clerk in Charge.

GRS

654 2291

File

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 18 1903

CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 12, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of the 10th instant, in which it is stated that on August 30, 1900, Daniel Harmon applied to the Commission for the enrollment of himself as a citizen by intermarriage , and for the enrollment of his wife, Cyntha and their three minor children, McGilbry, Banjamin and Lena Harmon, as citizens by blood, of the Cherokee Nation, and that a note on the card in the case is to the effect that Daniel Harmon is listed on old Creek census card No.1618.

You request to be advised if any of the persons named above are applicants for enrollment as citizens of the Creek Nation, and, if so, what disposition has been made of their applications.

In reply you are advised that an examination of the records of the Creek Enrollment Division shows that no application has been made for the enrollment of Daniel, Cyntha, McGilbry, Benjamin and Lena Harmon, or either of them, as citizens of the Creek Nation.

The name of Daniel Harmon appears upon old Creek census card No.1618, and a note on that card is to the effect that the name of Daniel Harmon appears on the 1880 Cherokee roll as Richard Harmon,

with his wife and family, and that he is enrolled on Cherokee card No. 2291.

Respectfully,

Chairman.

Cherokee
2291

Muskogee, Indian Territory, December 24, 1906.

Daniel Harmon,

Webbers Falls, Indian territory.

Dear Sir:

November 6, 1906, the United States Supreme Court, held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

JMH

Acting Commissioner.

1791

COPY

D.C. 1649-1907.

Webbers Falls Ind Ter Jan 7 1907.

Commishions of the Five Civilized Tribes

Dear Sirs:

I will take the liberty of trying to state my case to you as the Cherokees have put me on the roll as white intermaried citizen I would like to have the right to prove that I am a Creek Indian please allow me that privelge I will make a statement of my case in the first place I was brought to the Creek Nation from Mobile Alabama by the Agents of United States goverment with a good many other Creeks Indians by Wm McMaston & Ward Coachman in 1847 We lived there I also went to school at old North Fork Creek Nation at the mission School known as the A. M. E. the greater part of three ten months terms boarded there drew clothing with the other Creek children which I could not have done had I not been a Creek Indian. When this allotment question came up I went to the Creek Councile to be readmited in 1897 there I found some of my old school mates one was George Alexander chairman of the house of Kings another John Francis town chief they put my case through the house of Kings and George Alixander turned to me and saide Dick John Francis will put your name on the roll and when I went before Mr Needles for the purpose of enroleing in the Creek Nation the attorney

for the Creeks said it was not leagal it ought to have gone through bothe houses I will give the names of my mother Henrietta Harmon my brothers Benjamin Harmon William Harmon and myself My name Daniel Harmon they alway called me Dick. we all cam to Creek Nation together when I was a small boy. I have some strong evidence that is my nephews Ben & Dan Harmon bothe have filed on land in the Creek nation my grand children also filed up there whos names are as follws Fred Boles. Holland Boles Pearl Boles Cherokee Boles Ruby Boles henrietta Boles. They live near Broken Arrow their Mother's name was Jennie Boles who was my daughter My wife has no Creek blood neather has Frank Boles the farther of my grandchildren then where did they get their right by me as a matter of fact I beg your pardon for writing so much but the Cherokee authorities have put my name on the roll as a white man I dont remember ever telling any one that I was a white man will you please reply and let me hear from you as soon as possable and greatly oblige

Yours resp

(Signed) Daniel Harmon

Webbers Falls

Ind. Ter.

Cherokee
8291

Muskogee, Indian Territory, January 14, 1907.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are requested to advise this office the status of the case of Daniel Harmon, Creek Enrollment number 63. As this matter is important you are requested to give it your immediate attention.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, January 19, 1907.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You were requested on January 14, 1907 to advise this office the status of the case of Daniel Harmon, Creek enrollment number 63. You are again requested to give this your immediate attention.

Respectfully,

Commissioner.

LMC

(COPY) H G H

Cherokee 2291
DC 62

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian territory, January 19, 1907.

Chief Clerk,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

Replying to your letter of January 14, 1907, you are advised that application was made for the enrollment of Daniel Harmon, as a citizen of the Creek Nation, to the Commission to the Five Civilized Tribes in 1896 (Dawes Commission Number 62) and that said application was rejected and no appeal taken from the decision of said Commission.

Respectfully,

Tams Bixby.

Commissioner.

SPECIAL.

D.C. 11260-1907. FEB. JFJr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.
7618, 7674, 8028, 8030-07. March 4, 1907.
LRM.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department, in view of the opinion of the Attorney-General in the John W. Gleason case, and that of the Assistant-Attorney-General in the Jacob Bartles case, hereby reverses your decisions adverse to the applicants in the following Intermarried Cherokee enrollment cases, and their applications for enrollment are granted. You are directed to enroll all of such applicants as citizens by intermarriage of the Cherokee Nation:

Title of case.	Date of your letter of transmittal.
Amanda Beck	February 19, 1907
Osburn J. Byrd,	February 4, 1907
Rufus M. Allen	February 4, 1907
Daniel Harmon,	February 26, 1907
Nancy Wolfe,	February 28, 1907

Copies of Indian Office letters submitting your reports are inclosed. The papers in the various cases mentioned have been sent to the Indian Office with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson.

Acting Secretary.

5 inc. and
for Ind. Of. with copy hereof.
AFMc
3-4-07.

(No encls. RH.)

Cherokee 2291

Muskogee, Indian Territory, March 21, 1907.

Daniel Harmon,

Webbers Falls, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, March 4, 1907, and said application granted.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-98 1/2
JMK

Commissioner.

Cherokee 2461,
2464, 4509, 2521,
2016.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of the following named persons, as citizens by intermarriage of the Cherokee Nation, were reversed by the Secretary of the Interior, March 4, 1907.

Amanda Beck
Osburn J. Byrd
Rufus M. Allen
Daniel Harmon
Nancy Wolfe.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.E-95
JHM

Cher IW 244

Cher IW 244

#8915

Joseph Smith.

Joseph Smith.

FILED
JUN 23 1902
ACTING

Copyrighted 1902 by Joseph Smith.

'Nov 10 Jan 10 sdp nogs ajqs ue ajqs ue ajqs ue

G.

C.

Department of the Interior.
Commission to the Five Civilized Tribes.
Eufaula, I. T., May 28, 1902.

In the matter of the application of NANCY WOLFE for the enroll ment of herself as a citizen by intermarriage of the Cherokee Nation.

BEN O'FIELD, being first duly sworn, and being examined, testified as follows, through sworn interpreter Henry C. Ross:

BY COMMISSION: What is your name? A Ben O'Field.
Q How old are you? A Forty-six.
Q What is your post office address? A Mayesville, Arkansas.
Q What district do you live in? A Delaware District.
W You are a citizen by blood of the Cherokee Nation? A Yes sir.
Q You are one of the witnesses beforethe Commission at this place? A Yes sir.
Q Do you know Nancy Wolfe, a white woman? A Yes sir.
Q She is living now? A Yes sir.
Q About how old is she? A About ninety or more.
Q What is her post office address? A CherokeeCity, Arkansas.
Q She lives in Delaware District? A Yes sir.
Q She is very old and feeble and could not come and enroll herself? A I think she could not come.
Q With whom is she living now? A Living with herdaughter.
Q Elam Foreman's wife? A Yes sir.
Q Nancy is a widow now, is she? A Yes sir.
Q How long has her husband, Wolfe, been dead? A He has been dead a good while, could not say how lojg.
Q What was his name? A Daniel Wolfe.
Q Do you think this Nancy was married to him about 1880 or before? A Married probably before 1880.
Q Did she live with Daniel Wolfe continuously from the time she married him until his death? A Yes sir.
Q Did she ever marry any other person after the death of Daniel Wolfe? A No sir.
Q Has she always lived in the Cherokee Nation since she married Daniel Wolfe? A Yes sir.
Q Did she sometimes go by the name of Anna Wolfe? A Never have heard that name.
Q Daniel Wolfe never had any other wife named Anna ab ut 1880, did he, who was a white woman? A I don't know of any . He only lived with Nancy, so far as I know. I suppose that was her English name, Anna.
Q Do you know the name of Nancy's father and mother? A No sir.
Q They have been dead for a number of years? A I believe they have been dead for a number of years.
Q They were non-citizens? A Yes sir.
Q Nancy is considered to be a white woman, is she? A Yessir.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified as follows:

Page 341, #3036, Anna Wolfe, Delaware District, age 70.
Intermarried white.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified as follows:

Page 893, #876, Anna Wolfe, Delaware District, age 86.
Intermarried white.

Q. You know that Nancy Wolfe is living now and living in Delaware District, Cherokee Nation, and makes her home with her son-in-law, Elam Wardwell? A. Yes sir.

Nancy Wolfe will be listed for enrollment upon straight card.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 29th day of May, 1902.

M O Green
Notary Public.

#8913

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 28 1902

Enrolled Applicant Taken Under Rule.

Eucha 9 9 H-279

CHEROKEES BY BLOOD AND ADOPTION.

Date May 28 1907.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

90 Wife's name Nancy Wolfe, Cherokee City, Ark.

District Delaware Year 1880 Page 341 No. 3036

Citizen by blood — Mother's citizenship ~~Ark~~ non city — -d

Intermarried citizen yes — non city -d

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

On 1880 Roll as Anna Wolfe
" 1896 " p 593 #576. as Clinna Wolfe
Delaware Dist

F.R. Cherokee 8915.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Wolfe as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Eucha, Indian Territory, May 28, 1902, application was received by the Commission to the Five Civilized Tribes for the enrollment of Nancy Wolfe as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That Nancy Wolfe, the applicant in this case, is alleged to have married one Daniel Wolfe, a recognized citizen by blood of the Cherokee Nation prior to 1880, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 3036, as a native Cherokee, with whom she lived until his demise.

On February 23, 1907, notice was sent to the applicant to appear immediately with witnesses to establish her marriage to a recognized citizen by blood of the Cherokee Nation prior to November 1, 1875. This the said applicant has failed to do.

It is considered that there is not sufficient evidence in this case to support a finding that the applicant was married to her Cherokee husband prior to November 1, 1875, or that the said applicant was living on September 1, 1902, although the said Nancy Wolfe is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee Census Roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al. vs the United States, Nos. 125, 126, 127 and 128, the said applicant, Nancy Wolfe, is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory

FEB 28 1907

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
JUN 9 1902

ACTING CHAIRMAN.

RESIDENCE: _____ CARD NO. _____

CHEROKEE NATION. CHEROKEE ROLL.

POST OFFICE: _____ FIELD NO. _____

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	1													
	2													
	3													
	4													
	5													
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	16													
	17													
	18													

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

23,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.	Time Filed	Check
		Cherokee 2015

SEND the following message subject to the terms on back hereof, which are hereby agreed to.

N.C.N. Cherokee, Indian Territory, February 18, 1907

Mana Wolfe,

Fayetteville, Arkansas.

Intermarried case incomplete. Appear immediately to establish marriage to Daniel Wolfe.

Dixby,

C.N.C.R.Paid Commissioner.

☞ READ THE NOTICE AND AGREEMENT ON BACK. ☜

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the regular rate is charged in addition. It is agreed between the sender of the following message and this Company, that said Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery of any UNREPEATED message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery of any REPEATED message, beyond fifty times the sum received for sending the same, unless specially insured, nor in any case for delays arising from unavoidable interruption in the working of its lines, or for errors in cipher or obscure messages. And this Company is hereby made the agent of the sender, without liability, to forward any message over the lines of any other Company when necessary to reach its destination.

Correctness in the transmission of a message to any point on the lines of this Company can be INSURED by contract in writing, stating agreed amount of risk, and payment of premium thereon, at the following rates, in addition to the usual charge for repeated messages, viz, one per cent. for any distance not exceeding 1,000 miles, and two per cent. for any greater distance. No employee of the Company is authorized to vary the foregoing.

No responsibility regarding messages attaches to this Company until the same are presented and accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

Messages will be delivered free within the established free delivery limits of the terminal office. For delivery at a greater distance, a special charge will be made to cover the cost of such delivery.

The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission

ROBERT C. CLOWRY, President and General Manager.

Cherokee 8915

Special Muskogee, Indian Territory, February 12, 1907

Nancy Wolfe,

Wayesville, Arkansas.

Dear Madam:

The Commissioner sent you this day a telegram as follows:

"Intermarried case incomplete. Appear immediately to establish marriage to Daniel Wolfe."

The Act of Congress approved April 26, 1906, provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907.

This matter, therefore, demands your immediate attention.

Respectfully,

Commissioner

MMP

Cherokee 8815.

MCM Muskogee, Indian Territory, February 23, 1907.

SPECIAL.

Nancy Wolfe,

Cherokee City, Arkansas.

Dear Madam:

The Commission sent you this day a telegram as follows:

"Intermarried case incomplete. Appear immediately to establish marriage to Daniel Wolfe."

The Act of Congress approved April 26, 1906 provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907. This matter, therefore, demands your immediate attention.

Respectfully,

Commissioner.

GMG

Form No. 168. M. T.

THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

24,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

This Company **TRANSMITS** and **DELIVERS** messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an **UNREPEATED MESSAGE**, and is delivered by request of the sender, under the conditions named above.

ROBERT C. CLOWRY, President and General Manager.

RECEIVED at

[illegible] KS GN E [illegible],

Muskogee, I.T.

Y[illegible] date W[illegible] signed Bixby [illegible] up at Siloam until an account [illegible] to Cherokee city to-day.

Siloam Springs, Ark. Feb24

MONEY TRANSFERRED BY TELEGRAPH. **CABLE OFFICE.**

8915

SEE OTHER SIDE FOR TELEGRAM

The Western Union Telegraph Company

THE LARGEST TELEGRAPHIC SYSTEM IN THE WORLD.

OVER ONE MILLION MILES OF WIRE IN THE UNITED STATES AND CANADA.

It has over 24,000 Telegraph Offices, including Branch Offices.

It has also Direct Connection by Telegraph or Telephone with as many more remote and smaller stations, making a total list of over 50,000 in the United States, Canada and Mexico, and this number is rapidly increasing.

Seven Atlantic Cables,

Connecting North America with all points in Europe and beyond, including Two Cables of the American Telegraph and Cable Company, Four Cables of the Anglo-American Telegraph Company, and One Cable of the Direct United States Cable Co.

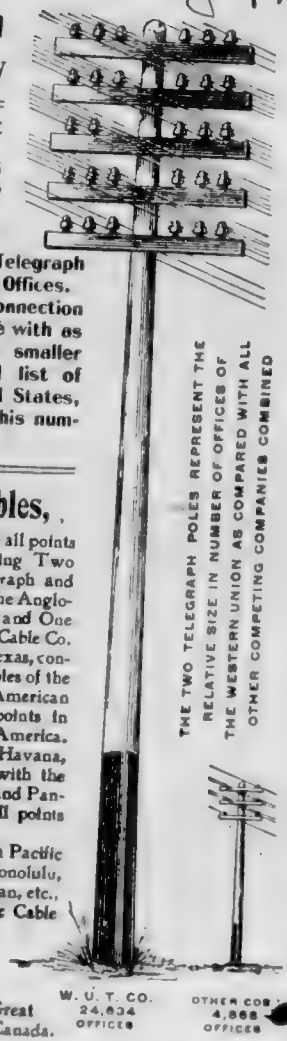
Direct Wires to Galveston, Texas, connecting at that place with the Cables of the Mexican, the Central and South American Telegraph Companies for all points in Mexico and Central and South America.

Direct Wires and Cables to Havana, Cuba, connecting at that place with the Cuba Submarine and West India and Panama Telegraph Companies for all points in the West Indies.

Connects at San Francisco with Pacific Cables to the Sandwich Islands, Honolulu, Guam, the Philippines, China, Japan, etc., and at Victoria, B. C., with Pacific Cable to Australia and New Zealand.

Connects at Seattle, Wash., with U. S. Government Lines and Cables to and in Alaska.

Exclusive connection with the Great North-Western Telegraph Co. of Canada.



Domestic and Foreign Money Orders by Telegraph and Cable

SEE OTHER SIDE FOR TELEGRAM

8915

SEE OTHER SIDE FOR TELEGRAM

The Western Union Telegraph Company

THE LARGEST TELEGRAPHIC SYSTEM IN THE WORLD.
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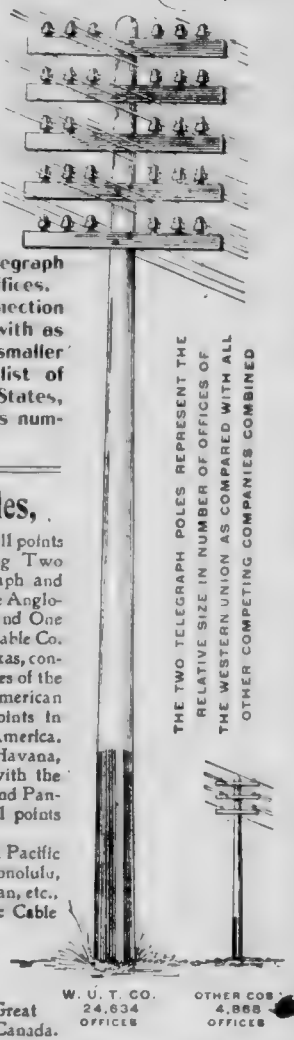
Exclusive connection with the Great North-Western Telegraph Co. of Canada.



Domestic and Foreign Money Orders by Telegraph and Cable

SEE OTHER SIDE FOR TELEGRAM

COPY

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Nancy Wolfe, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes dated February 28, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl.A-31
BA

Through the Commissioner
of Indian Affairs.

Cherokee 3915

COPY

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying the application for the enrollment of Nancy Wolfe, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-30
RA

Cherokee 8915

COPY

Muskogee, Indian Territory, February 28, 1907.

Nancy Wolfe,

Mayesville, Arkansas.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED [illegible]

Commissioner.

Enl.A-29
RA

Register.

SPECIAL.

D.C. 13260-1907. FHE. JFJr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.
7618, 7674, 8028, 8030-07. March 4, 1907.
LRS.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department, in view of the opinion of the Attorney-General in the John W. Sleeper case, and that of the Assistant-Attorney-General in the Jacob Bartles case, hereby reverses your decisions adverse to the applicants in the following Intermarried Cherokee enrollment cases, and their applications for enrollment are granted. You are directed to enroll all of such applicants as citizens by intermarriage of the Cherokee Nation:

Title of case.	Date of your letter of transmittal.
Amanda Beck	February 19, 1907
Osburn J. Byrd,	February 4, 1907
Rufus M. Allen	February 4, 1907
Daniel Harmon,	February 28, 1907
Nancy Wolfe,	February 28, 1907

Copies of Indian Office letters submitting your reports are inclosed. The papers in the various cases mentioned have been sent to the Indian Office with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson.

Acting Secretary.

5 inc. and
for Ind. Of. with copy hereof.
AFMc
3-4-07.

(No encls. HH.)

COPY

Cherokee 8915

Muskogee, Indian Territory, March 21, 1907.

Nancy Wolfe,

Cherokee City, Arkansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, March 4, 1907, and said application granted.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-91
JMH

Cherokee 6468,
2844, 4809, 2291,
6918.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of the following named persons, as citizens by intermarriage of the Cherokee Nation, were reversed by the Secretary of the Interior, March 4, 1907.

Amanda Beck
Osburn J. Byrd
Rufus M. Allen
Daniel Harmon
Nancy Wolfe.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl. M-98
JMK

I. T. references in
body of letter.

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

May 18, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Coburn J. Byrd
42896- "	Ann Anda Beck
42894- "	Sarah F. Gage
42892- "	Philena Harris
42888- "	Daniel Harman
42891- "	Emma L. Ivenmides
42894- "	Sarah A. Jordan
42901- "	Davis Johnson
42902- "	Andrew H. Harwood
42907- "	Stacy E. Perry
42908- "	Martha Randolph, now Harman
42907- "	John W. Smith
42904- "	John J. Smith
42909- "	Robert E. P. Thompson
42909- "	Hattie Wright
42903- "	Henry Wolfe
42909- "	L. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJE-WEE.

WAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirene Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Davie Johnson,
42882- "	Andrew M. Norwood,
42887- "	Stacy R. Perry,
42886- "	Martha Randolph, nee Kerman,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson
42880- "	Mattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

28, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FMR.

May 13, 1907

Approved.

Thos Ryan

First Assistant Secretary.

Cherokee
244

Muskogee, Indian Territory, May 28, 1907.

Nancy Wolfe,

Cherokee City, Arkansas,

Dear madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-18
LMC

Cherokee
253. et al

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Jacob Wolf,

Ozarkville, Arkansas.

Cher IW 245

Cher IW 245

DOUBTFUL

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I. T. October, 25th 1900.

In the matter of the application of Robert L. Wayburn, for the enrollment of his aunt as a Cherokee Citizen. He being sworn testified before the Commission as follows-

Q What is your name? A. Robert L. Wayburn.
Q How old are you? A. 33.
Q What is your post office address? A. Pryor Creek.
Q What district do you live in? A. Cooweescoowee.
Q Who is it you want enrolled now? A. Mrs. Sarah F. Gage.
Q This is an aunt of yours you say? A. Yes sir.
Q How old is she? A. 53.
Q What is her post office? A. Claremore.
Q Is Cooweescoowee her district? A. Yes sir.
Q Why does she not apply for herself? A. She is sick and cannot come; I have a certificate from the doctor thatshe cannot come.
Q Is she just temporarily ill or permanently ill? A. She has not been sick very long, she fell down cellar steps and hurt her back.
Q Is she living with you? A. o sir.
Q Is she white? A. Yes sir.
Q Is she a Cherokee by blood? A. No sir she is a white woman.
Q Through whom does she claim her right to enrollment? A. Her husband, George John Gage.
Q He was a Cherokee was he? A. Yes sir.
Q Is John Gage dead? A. Yes sir.
Q When did he die? A. In 1883 or 1884.
Q Is he on the roll of 1880? A. Yes sir.
Q Did he live here from 1880 until he died? A. Yes sir.
Q Was his wife married to him in 1880? A. Yes sir.
Q After the death of John Gage was your aunt ever re-married? A. No sir.
Q Has she continued to live in the Cherokee Nation since her husbands death? A. Yes sir.
Q Never lived any where else? A. No sir not that I know of, and she says she never has.

1880 roll, page 111, No. 1886, Sarah F. Gage, Cooweescoowee, Ad. White
1880 111 1885, John Gage " N. C.
1896 306 406 Sarah F. Gage, "

Q You have not been here yourself since 1880 have you? A. No sir.
Q Has she ever been living with any other man as his wife since her husband died? A. No sir.
Q Has she ever lived with aman named Henry Malone? A. He has been working there tending to her business, and is living on her farm now.
Q She stays there on the farm and this man Henry Malone lives there? A Yes sir.
Q Has he any family? A. No sir.
Q How long has he been living that way? A. I dont know.
Q Who else lives there besides them? A. She has got a boy there and has a girl working for her.
Q Neither of them are her children are they? A. No sir.
Q Has she always had this boy and girl living there? A. No sir, she has had first one girl and then another.
Q How long has Malone lived there looking after her business? A. A. 8 or 10 years.
Q He occupies the same house that she does? A. Yes sir.
Q Is Henry Malone a white man? A. Yes sir.

The applicant applies for the enrollment of an aunt whom he states is sick and cannot apply for her self. She is identified with her Cherokee husband, then living, on the roll of 1880, she being a white woman. He is said to have died in 1883. She is identified on the

Robert L. Burrows, Jr.

[illegible] of law, it is [illegible] that [illegible] be [illegible] in the [illegible] [illegible] [illegible]

2101

B

DEPARTMENT OF JUSTICE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 26 1900

PRINTING CO. PAMPHL.

COOWEESCOOWEE.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date OCT 25 1900 6 1900.

Name Clarence D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Sarah F. Gage

District COOWEESCOOWEE. Year 880 Page 111 No. 126

Citizen by blood W. Mother's citizenship

Intermarried citizen W.

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

~~Question as to his having married out~~

Applicant to appear in person

DEPARTMENTAL
COMMISSION TO THE
FILED
NOV 10 1900

SUPPLEMENTAL: D 701

Department of the Interior,
Commission to the Five Civilized Tribes,
Claremore, I.T., November 8/1900.

In the matter of the application of Sarah Frances Gage for the enrollment of herself as a Cherokee citizen; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give your full name? A Sarah Frances Gage.
Q How old are you? A 52
Q What is your post-office address? A Claremore.
Q You live in Cooweescoowee District do you? A Yes sir.
Q Do you apply for enrollment as a Cherokee by blood? A No sir, as adopted.
Q As an intermarried citizen? A Yes sir.
Q How often have you been married? A Twice, but to the same man; I was married in Texas to my husband and then I was married here also, under Cherokee law.
Q Never married to any other man? A No sir.
Q Was he ever married previous to his marriage to you? A Nosir
Q Your husband is dead? A Yes sir.
Q When did he die? A 16 years ago last October, last month.
Q What was your husband's full name? A John Jackson Gage.
Q Was he a Native of the Cherokee Nation? A Yes sir.
Q Did he live Here all his life? A No sir; he lived in Texas part of his life; he lived here when he was quite a boy, and then they moved to Texas and he lived there until he was a grown man.
Q How old was he when he left Texas? A I can't tell you; we came to the Chickasaw Nation and from the Chickasaw Nation here,- it was after his marriage.
Q When did you come to the Cherokee Nation after leaving Texas?
A I think it was in 1872.
Q Is his name on the 1880 roll? A Yessir, I think it is.
Q And yours is there with him? A Yes sir.
Q And now you came in 1872? A I think it was 1872.
Q Or thereabouts? A Yes sir, to the best of my recollection.
Q Do you know whether the Cherokee Council or Commission ever admitted or re-admitted him to Cherokee citizenship? A The Cherokee Council did.
Q And you and he lived together as husband and wife until he died?
A Yessir.
Q And you have lived in the Cherokee Nation ever since he died?
A Yes sir.
Q You have never re-married since he died? A No sir.
Q Give me the name of his father? A David Gage.
Q He is dead, I suppose? A Yes sir.
Q And the name of his mother? A Lucy.
Q And she is dead? A Yessir.
Q You have no children? A No sir.

Com'r Breckinridge:

This testimony will be supplementary to that taken in a former application for the enrollment of the applicant, card D 701. In the original application it was required that she appear before the Commission in person; because of her enormous weight and crippled condition this was found to be practically impossible, and this testimony was taken at her house, notice having been duly given to the Cherokee representative. The intimation of re-marriage is contradicted by this testimony, and apart from the strictly legal aspects of the case it appears entirely improbable that there can be any form of union between the applicant and this young man who lives at her house and attends to her farm and business.

M.D.Green, being first duly sworn, states that as stenographer to

the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 10, 1900.

Commissioner.

Cherokee D -701.

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of Robert L. Wayburn for the enrollment of Sarah F. Gage as a Cherokee citizen.

On the 25th day of October, 1900, Robert L. Wayburn appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his aunt, Sarah F. Gage, as a citizen by intermarriage of the Cherokee Nation.

At the conclusion of the evidence offered at that time the name of Sarah F. Gage was placed upon a doubtful card awaiting personal testimony of the said Sarah F. Gage.

Further evidence in the case has been submitted to this Commission and the following decision is rendered:

D E C I S I O N .

From all the evidence of record in this case it appears that Sarah F. Gage is the widow of John Gage, a Cherokee by blood; that her name appears upon the 1880 authenticated tribal roll of the Cherokee Nation and upon the 1896 census roll; that she has continuously resided in the Cherokee Nation since the preparation of said roll of 1880 and that she has not remarried since the death of her late husband. She is a white woman.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats.,495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settle-

zens in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts and the law in this case it is considered that Sarah F. Gage is entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and it is so ordered.

Tams Bixby

C. R. Breckinridge

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 27 1902.

Cherokee 9639.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 8, 1902.

In the matter of the application of Sarah F. Gage for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation; she being sworn and examined by the Commission, testified as follows:

Q Your name is Sarah F. Gage? A Yes sir.
Q How old are you? A Fifty-three years old or fifty-four.
Q What is your postoffice? A Claremore.
Q You are a white woman are you? A Yes sir.
Q On the authenticated tribal roll of 1880? A Yes sir.
Q What was the name of your husband at that time? A John F. Gage.
Q Is he living? A No sir, he is dead.
Q When did he die? A Eighteen or nineteen years ago.
Q Since the 1880 roll was made? A Yes sir.
Q Have you married since that time? A No sir.
Q Lived in the Cherokee Nation ever since? A Yes sir.
Q Made your home there? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothwiler

Subscribed and sworn to before me this 16th day of December, 1902.

B. O. Jones
Notary Public.

T.W.L. Cherokee 9629.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah F. Gage as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Claremore, Indian Territory, October 25, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah F. Gage as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Claremore, Indian Territory, November 9,1900 The records further show that on May 27, 1902, the Commission to the Five Civilized Tribes entered its decision herein, granting said applicant the right to enrollment as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sarah F. Gage, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by reason of her marriage in the state of Texas, prior to the year 1872, to one John Jackson Gage, now deceased, her admission to Cherokee citizenship by the duly constituted authorities of said nation, and her subsequent marriage to the said John Jackson Gage in the Cherokee Nation. That the said John Jackson Gage was not, at the time of said marriage performed in Texas, a recognized citizen by blood of the Cherokee Nation, and did not become a citizen of said nation until his admission to citizenship therein by the duly constituted authorities of said Nation November 24, 1876. Said applicant did not, therefore, marry in accordance with Cherokee law, a citizen of the Cherokee Nation prior to November 1, 1875. Said applicant and her said husband are identified on the Cherokee authenticated tribal roll of 1880, on page 111, the former at No. 1285, as a native Cherokee, followed by the notation "dead", and the latter at No. 1286, as an adopted white.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That the decision rendered by the Commission to the Five Civilized Tribes May 27, 1902, granting the application for the enrollment of Sarah F. Gage as a citizen by intermarriage of the Cherokee Nation, be rescinded, set aside and held for naught, and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos 125, 126, 127 and 128, the said applicant, Sarah F. Gage is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Dated at Muskogee, Indian Territory, Commissioner.

this _____.

COPY.

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes rendered May 27th, in the matter of the application of Sarah F. Cage for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of said person as a citizen of the Cherokee Nation. If you fail to file the protest within the time allowed this applicant will be regularly listed for enrollment.

Very respectfully,

(SIGNED) [illegible]

Acting Chairman.

Encl. D-701.

Wherefore D 701

COPY.

Muskogee, Indian Territory, June 21, 1909.

Robert L. Hayburn,

Pryor Creek, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your aunt, Sarah F. Cace, as a citizen of the Cherokee Nation.

Very respectfully,

T. B. Needles.

Attorney in Charge.

Enclosure D 701

Register

Cherokee
9629

Muskogee, Indian Territory, December 27, 1906.

Sarah F. Gage,

Claremore, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

GHL

Acting Commissioner.

Cherokee 9629.

NCM Muskogee, Indian Territory, February 13, 1907.

SPECIAL.

Sarah F. Gage,

Claremore, Indian Territory.

Dear Madam:

The Commission sent you this day a telegram as follows:

> "Intermarried case incomplete. Have witnesses appear immediately to establish marriage. Evidence husband's citizenship necessary".

The Act of Congress approved April 26, 1906 provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907. This matter, therefore, demands your immediate attention.

Respectfully,

Commissioner.

GHC

COPY

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sarah F. Gage as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 26, 1907, denying said application.

Respectfully,

SIGNED [illegible]
Commissioner.

Encl.HJ-32.
HJC

Through the Commissioner of
Indian Affairs.

Cherokee
9629.

COPY

Muskogee, Indian Territory, February 26, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, denying the application for the enrollment of Sarah F. Gage as a citizen by intermarriage of the Cheokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.HJ-31.
HJC

Cherokee
9629.

FEB 26 1907

COPY

Muskogee, Indian Territory, February 26, 1907.

Sarah F. Gage,

Claremore, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, denying your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-30.
HJC

Commissioner.

Register.

D.C.13836-1907. SPECIAL W.H.M. JWJ.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7840-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 2, 1907 (Land 21249), the Indian Office transmitted your report dated February 27, 1907, in the matter of the application of Sarah F. Gage for enrollment as a citizen by intermarriage of the Cherokee Nation, together with your decision of the same date, denying said application.

The Indian Office considers your decision should be reversed in view of the opinion of the Attorney-General in the John W. Gleason case.

The Department considers the position taken by the Indian Office to be correct.

Your decision of February 26, 1907, is hereby reversed, and you are instructed to enroll said Sarah F. Gage as a citizen by intermarriage of the Cherokee Nation.

The papers in the matter have been sent to the Indian Office, together with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,
Acting Secretary.

2 enclosures & copy hereof
to Indian Off.

WCF 3-4-07

Cherokee 9628

COPY

Muskogee, Indian Territory, March 20, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application of Sarah F. Gage for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, March 4, 1907, and the application granted.

For your information, there is enclosed herewith a copy of Departmental decision.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.H-76
JMH

Cherokee 9629

COPY

Muskogee, Indian Territory, March 20, 1907.

Sarah F. Gage,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, March 4, 1907, and your application for enrollment granted.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams B.

Commissioner.

Encl.H-75
JMH

SAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T.
References in body
of letter.

May 11, 1907.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Sage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Bevie Johnson,
42882- "	Andrew K. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, New Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the Office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary

I.T. references in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah W. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Dovie Johnson
42882- "	Andrew W. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, new Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJV-FHE.

Cherokee
253 et al.

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

Cherokee
245

Muskogee, Indian Territory, May 25, 1907.

Sarah F. Gage,

Claremore, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-6
LMC

Cher IW 246

Cher IW 246

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 16 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Fairland, I.T., July 13, 1900.

In the matter of the application of John J. Smith for enrollment as an intermarried Cherokee, and for the enrollment of his wife and children and grandchildren as Cherokees by blood; being duly sworn, and examined by Commissioner Breckenridge, he testified as follows:

Q What is your name? A John J. Smith.
Q What is your age? A I am 65.
Q What is your post office address? A Maysville, Ark.
Q Do you live in the Indian Territory? A I live in the Territory, Maysville is right across the line.
Q In what district of the Cherokee Nation? A Delaware district.
Q How long have you lived there? A 41 years; four years of that time I was in the war.
Q This has been your residence continually during that period, since the war? A Yes, sir.
Q Do you apply as a Cherokee by blood? A No, sir.
Q By intermarriage? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What was your wife's name before your marriage? A Sarah P. Fields.
Q When were you married? A About October 20, 1859.
(1880 roll, Delaware district, page 323, No. 2561, Sarah E. Smith.)
Q What is your wife's age now? A She is 58.
Q Do you identify that as the enrollment of your wife? A Yes, sir..
Q Have you a license and certificate of marriage? A No, sir, I have not.
(1896 roll, page 589, No. 1517, Delaware district, John J. Smith; same roll, Sarah P. Smith, page 539, No. 3052, Delaware district. John J. Smith on 1880 roll, page 323, No. 2560, Delaware district.)
Q Is your wife present? A No, sir, she is not present.
Q Do you want to apply for your children as well? A Yes, sir, I have some children living at home who are of age.
Q Are they unmarried and living with you? A 3 of them are, and I have some grandchildren I want to enroll.
Q Give the names of your children? A Walter F. Smith.
(On 1880 roll, page 323, No. 2564, as Walter S. Smith. On 1896 Roll as Walter F. Smith, page 539, No. 3053, Delaware district.)
Q What is your next child? A Nat D. Smith, age 23.
(On 1880 roll, page 323, No. 2566, Delaware district, Nathaniel D. Smith. On 1896 roll, page 539, No. 3054, Nathaniel D. Smith, Delaware district.)
Q What is your next child? A Homer L. Smith, he will be 21 the last day of this month.
(On 1880 roll, page 323, No. 2567, Delaware district. On 1896 roll, page 539, No. 355, Delaware district.) # 3055
A That is all; I have two grandchildren.
Q Give the name of the father and mother of those. A Jeff D. Smith is their father.
Q Is that your son by your present wife? A Yes, sir.
Q Are their father and mother dead? A Their father is dead, and the mother is living.
Q Do they claim through their father? A Yes, sir.
Q When did Jeff D. Smith die? A In 1887.
(On 1880 roll, page 323, No. 2562, Jeff D. Smith, Delaware District.)
Q Now give the names of the children of Jeff D. Smith. A William L. Smith, age 14.
(On 1896 roll, Willie L. Smith page 539, No. 3056, Delaware district,

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

John J. Smith

age 10.)

Q Now the next child? A Pearl H. Smith, age 13.
(Onlsee roll, page 350, No. 5057, Delaware district.)
Q Is that all? A Yes, sir, that is all I want to enroll.
Q Is the mother of these children still living? A Yes, sir.
Q What is her name? A Her name now is Missouri Wells.
Q What was her name in 1896? A I don't know, she was not on any of the rolls; she married since the death of my son.
Q Your son died in 1887? A Yes, sir.
Q Do they live with you? A They will be most of the time; they stay at my place and go to school.
Q In regard to your son and wife, did they live with you and in your neighborhood? A They lived on my place a while, and then on their own place.
Q You had personal knowledge of their marriage in due form? A They married and came to my place, I couldn't swear to the marriage.
Q They lived always within your knowledge? A Yes, sir.
Q How long were they married? A They married in 1884 or 1885.

Mr. Smith, your name and the name of your wife appearing duly enrolled on the roll of 1880, and your son Walter F., Nathaniel D., and Homer L. being likewise recorded on the roll of 1880, all of you will be enrolled at this time, you being enrolled as an intermarried Cherokee and the others as Cherokees by blood.

Your grandchildren, William L. Smith and Pearl H. Smith, being recognized on the roll of 1896, and their father being recognized on the roll of 1880, and the representatives of the Cherokee Nation making no objection to the evidence of marriage, the question of residence being established, will be enrolled as Cherokees by blood.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 16th day of July, 1900.

Clifton R. Breckinridge
Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 1st, 1902.

In the matter of the application of John J. Smith for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation and for the enrollment of his wife, Sarah P. Smith; his children, Walter F., Nathaniel D. and Homer L. Smith, and his grand children, William L. and Pearl H. Smith, as citizens by blood of the Cherokee Nation.

Supplemental to #195.

W. W. HASTINGS, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. W. W. Hastings.
Q. What is your age? A. 35.
Q. What is your post office? A. Tahlequah.
Q. Are you acquainted with John J. Smith, whose post office is Maysville, Arkansas, and who is an applicant for enrollment as an intermarried citizen? A. Yes, sir.
Q. Are you acquainted with his wife? A. Yes, sir.
Q. What is her name? A. Her name is Sarah. I don't remember her middle name. She was a Fields.
Q. Is his wife Sarah P. a citizen by blood of the Cherokee Nation?
A. Yes, sir.
Q. When was John J. Smith married to his wife Sarah?
A. It was further back than '80; further than I can remember.
Q. Have they been living together as husband and wife continuously from 1880 until the present time? A. Yes, sir.
Q. Were they living together as husband and wife on September 1st, 1902? A. Yes, sir.
Q. And they have never been separated during that time?
A. Never, during that time.
Q. Has John J. Smith and his wife Sarah P. resided in the Cherokee Nation all the time since 1880? A. All the time; continuously.
Q. Do you know his son Walter F. Smith? A. Yes, sir.
Q. Has he lived in the Cherokee Nation all his life? A. Yes, sir.
Q. Do you know his sons Nathaniel D. and Homer L.? A. Yes, sir.
Q. Have they always lived in the Cherokee Nation all their lives?
A. Yes, sir. I think one of them is married now.
Q. Do you know the father of William L. and Pearl H. Smith?
A. Jeff D., yes; he was killed.
Q. Did Jeff D. live all his life in the Cherokee Nation?
A. Yes, sir.
Q. These two children were born and lived-----
A. Ever since their berth in the Cherokee Nation.

++

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 24th day of October, 1902.

B. O. Jones
Notary Public.

Cherokee Card 196

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, I. T., September 4, 1902.

In the matter of the application of John J. Smith et. al. for enrollment as Cherokee citizens.

SUPPLEMENTAL STATEMENT.

An examination of the Cherokee authenticated tribal roll of 1880 for Delaware District shows that John J. Smith is identified thereon, at page 123, No. 2560.

(Signed) C R Breckinridge
Commissioner

Cherokee No._____

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 2, 1907.

In the matter of the application for the enrollment of John J. Smith as a citizen by intermarriage of the Cherokee Nation.

John J. Smith, being first duly sworn by Frances R. Lane, a Notary Public for the Western District, Indian Territory, testified asfollows:

By the Commissioner:
Q What is your name? A John J. Smith.
Q How old are you? A Seventy-one years.
Q What is your postoffice address? A Maysville, Ark.
Q Do you claim to be an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Through whom do you claim? A Sarah P. Fields, a Cherokee Indian by blood and resided in Delaware District.
Q When were you married to Sarah P. Fields? A The 15th of October, 1859.
Q Where were you married to her? A Maysville. It is a town right on the Cherokee line; we was married in the Territory.
Q Were you married under a license? A No, I was not.
Q Who married you? A A Methodist preacher that preached there at that time.
Q What was his name? A Bass.
Q What was his full name, do you know? A No, I forgot it.
Q Did he give you a certificate? A He gave me one at the time but I went through the war and lost all my papers.
Q Is there anyone here present here today that knows of your marriage in 1859? A No one that I know of here, but probably I could get witnesses that could testify to the fact. There is no one here in town that I know of.
Q Were you ever married before you were married to Sarah P. Fields? A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Have you lived together continuously as husband and wife in the Cherokee Nation since your marriage to her in 1859?
A Yes, I was in the war with the Cherokees, but I came back when the Cherokees came home.
Q Your wife is a citizen of the Cherokee nation? A Yes sir.
Q Did you ever marry her again under the Cherokee law when they passed a law requiring people to take out a license?
A No sir.

The applicant is identified on the 1880 roll, Cherokee, opposite No. 2560. His wife is identified on said roll opposite No.2561; also upon the final roll of Cherokees by blood of the Cherokee Nation opposite No. 636.

Q Have you appeared before the Commissioner before today?

A Yes, I have appeared before the Commission two or three times.
Q Did you furnish them evidence of your marriage in 1859?
A They didn't ask it of me. They asked me whether I was married, and when I was married and where I was married. I told them that I was maried at Maysville, Ark.

Q Where were you married? Were you married in the Territory?
A I was married in Maysville. My mother-in-law lived in the Territory; she lived right on the line, and she was running a hotel there when I married my wife.

Witness excused.

Frances R. Lane, upon oath, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances Lane.

Subscribed and sworn to before me this January 2, 1907.

Edward Merrick.
Notary Public.

E C M

Cherokee 195.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of JOHN J. SMITH as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on July 13, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of John J. Smith as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 1,1902, Tahlequah, Indian Territory, September 1, 1903 and at Muskogee, Indian Territory, January 2, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John J. Smith, is a white man and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as he may have acquired by virtue of his marriage in October, 1859 to one Sarah P. Smith, nee Fields, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District No.2561 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.636; that from the time of said marriage the said John J. Smith and Sarah P. Smith resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. It is further shown that said marriage was not in accordance with Cherokee law, the said John J. Smith having failed to secure a license as required by an Act of the Cherokee Council passed October 15, 1855. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird et al. vs. the United States, Nos.125, 126, 127,and 128, the said applicant, John J. Smith is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 14 1907 ?

Cherokee
198.

Muskogee, Indian Territory, December 21, 1906.

John J. Smith,

Owasso, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognised citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday January 3, 1907, and give testimony as above indicated.

Respectfully,

H.J.C.

Acting Commissioner.

Muskogee, Indian Territory, February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of John J. Smith as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 14, 1907, denying said application.

Respectfully,

Encl.E-50
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

Cherokee 195

Muskogee, Indian Territory, February 14, 1907.

John J. Smith,

Owasso, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. H-48
JMH

Register.

Cherokee 195

Muskogee, Indian Territory, February 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 14, 1907, rejecting the application for the enrollment of John J. Smith as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-49
JMH

Commissioner.

Cherokee
195

Muskogee, Indian Territory, March 11, 1907

Sarah P. Smith,

Maysville, Arkansas.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of January 25, 1907, addressed to the President, relative to the right of your husband, John J. Smith, to enrollment as a citizen by intermarriage of the Cherokee Nation.

In reply you are advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the application for the enrollment of John J. Smith as a citizen by intermarriage of the Cherokee Nation, was, on February 14, 1907, forwarded to the Secretary of the Interior for review. The applicant will be advised of the action of the Secretary when this office is informed of the same.

Respectfully,

L M B

Commissioner

CAW

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T.
References in body
of letter.

May 11, 1907.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phiremm Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan
42881- "	Bevie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, now Kerman,
42883- "	John W. Smith
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Walch.

In view of the provisions of section 2 of the act of April

[illegible]

Very respectfully,

G. H. Harrison

Acting Commissioner.

AFS-FHZ.

May 13, 1937

Approved.

Thos Ryan

First Assistant Secretary.

E. E. references in
body of letter.

[redacted]

[redacted]

[redacted]

May 24, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of letter of May 21, 1907, approved by the Department on May 23, 1907, recommending that affidavit filed by E. E. Hastings, Assistant Attorney for the Cherokee Nation, prayer for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of enrollment cases.

[redacted]-1907	Sarah A. Harlan
[redacted]	Adams E. Lord
[redacted]	Ida Belle Mack
[redacted]	Sarah E. Cage
[redacted]	Pelagia Harris
[redacted]	[redacted] Watson
[redacted]	Ann E. Trombley
[redacted]	Sarah A. Jordan
[redacted]	Ruth Adams
[redacted]	Andrew E. Barnard
[redacted]	Mary E. Perry
[redacted]	[redacted], Kansas, now Kansas
[redacted]	John E. [redacted]
[redacted]	John J. [redacted]
[redacted]	Albert E. P. Thompson
[redacted]	[redacted] Wright
[redacted]	Mary [redacted]
[redacted]	E. L. [redacted]

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

[redacted]

Cherokee
246

Muskogee, Indian Territory, May 23, 1907.

John J. Brith,

Fayetteville, Arkansas.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-18
IMC

Cherokee
Nat. et al

Muskogee, Indian Territory, May 28, 1907.

W. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Hartlen, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. 6-29
EMC

D.C. 28529-1907.

I.T.
47958-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

June 5, 1907.

The Commissioner
To the Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

The Office is in receipt of a communication from the Department dated May 17, 1907, transmitting a letter from John J. Smith, of Maysville, Arkansas, dated May 7, objecting to a motion for review of Departmental decition in the matter of his application to be enrolled as a citizen by intermarriage of the Cherokee Nation. The Department says that the motion referred to has not been received.

The records of this office do not show that it has been filed here, and you are requested to advise Mr. Smith of the facts in the case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Cher IW 247

Cher IW 247

Commissioner.

1860.

Subscribed and sworn to before me this 1st day of October A.D.

a

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[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. October 2nd, 1900.

IN THE MATTER OF THE APPLICATION OF COLIN C. IRONSIDE FOR ENROLLMENT OF HIMSELF, HIS WIFE AND CHILD, AS CHEROKEE CITIZENS.

The said Colin C Ironside, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Colin C. Ironside.
Q What is your age? A Sixty-three.
Q What is your post office? A Bluejacket.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir; I am a Shawnee.
Q What district do you live in? A I live in Delaware District now.
Q Who do you desire to enroll? A Myself, my wife and my child.
Q What is the name ofyour wife? A Emma Louisa.
Q When did you marry her? A In 1874.
Q The name of your child? A Henry T. He will be twenty next December.
Q The name of your next child? A That is all.

1880 Roll, page 121, No. 151, C. C. Ironside, Cooweescoowee District.

1880 Roll, page 121, No. 1512, Louisa Ironside, Cooweescoowee District.

1896 Roll, page 345, No. 240, Colin C. Ironside, Cooweescoowee District.

1896 Roll, page 310, No. 535, Louisa Ironsides, Cooweescoowee District.

1896 Roll, page 345, No. 241, (Walter) T. Ironside, Cooweescoowee District.

Q How long have you lived in the Cherokee Nation? A Since the spring of 1870.
Q Continuously? A Yes, sir.
Q You never lived out of it? A Well, temporarily I have been out of it.
Q For how long?
A Well, some six months.
Q How long since you lived here permanently and continuously?
A Oh, it is eleven years. I was out then on account of the health of my wife. I was compelled to take here
Q What State were you in? A Dakota.
Q How long did you live in Dakota? A Well, we were there off and on--I was back here in the mean time--off and on, I suppose we were there not quite two years.
Q Did you ever establish your citizenship in Dakota? A No, sir.
Q Didyou ever vote there? A No, sir. This has been my home. All my effects and my house and my furniture all hasbeen here.

THE COMMISSIONER: The name of Colin C. Ironside and his wife Emma L. appear upon the authenticated roll of 1880. His name is identified as C. C., and his wife as Louisa.

The name of his child Walter T. appears upon the census roll of 1896. The said Colin C. Ironside and his son Walter T., will be duly listed for enrollment as Cherokee citizens of Shawnee blood, and his wife Emma L., as a Cherokee citizen by intermarriage.

---o---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the tes-

[illegible] and other proceedings in this application for [illegible] and that the foregoing is a correct and complete transcript of his stenographic note thereof.

Subscribed and sworn to before me this 19th day of October A. D. 1900.

Commissioner.

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COMMISSION TO THE FI
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NOV 19 1902

Cherokee 3927.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 16, 1902.

In the matter of the application of Collin C. Ironside for the enrollment of himself and his minor child, Harry T. Ironside, as citizens by Shawnee blood, and for the enrollment of his wife, Emma L. Ironside, as a citizen by intermarriage, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

EMMA L. IRONSIDE, being sworn, testified as follows:

By the Commission,

Q What is your name? A Emma L. Ironside.
Q How old are you? A Fifty-two.
Q Are you a white woman? A Yes, sir.
Q Don't claim any Indian Blood? A No, sir.
Q What is the name of your husband? A Collin C. Ironside.
Q He is an adopted Shawnee, is he? A Yes, sir.
Q Was he your husband in 1880? A Yes, sir.
Q Your name appears on the roll of 1880 with your husband, does it? A Yes, sir.
Q Have you and your husband been living together in the Cherokee Nation ever since 1880? A Yes, sir.
Q Never been separated? A No, sir.
Q Have you made your home in the Cherokee Nation all this time? A Our home has been in the Cherokee Nation, but we have been away several times.
Q Visiting? A My husband has been in business away, but we have never moved our household goods away.
Q How long has your husband been out of the Cherokee Nation looking after his business? A We have been living here continuously, have not been out since '90.
Q Since '90? A Between '85 and '90 he was out.
Q Have you any children? A Harry T.
Q Only one? A Yes, sir.
Q Is he living? A Yes, sir.

Retta Chick, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 11th day of November, 1902.

B O Jones
Notary Public.

Copy

L. C. D. Cherokee 3927.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 18, 1907.

In the matter of the application for the enrollment of Emma L. Ironside as a citizen by intermarriage of the Cherokee Nation.

APPEARANCES: Applicant appears in person.

Cherokee Nation represented by W. W. Hastings, Attorney.

Emma L. Ironside being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Emma L. Ironside.
Q What is your age? A 56.
Q What is your post office address?
A Miami, Indian Territory.
Q You claim to be a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Through whom do you claim your intermarriage rights?
A My husband, Collin C. Ironside.
Q When did you marry Collin C. Ironside?
A 29th of April, 1874.
Q Where was you married to Collin C. Ironside?
A About 10 miles from Vinita, in the Cherokee nation.
Q Were you ever married before you married Collin C. Ironside?
A No sir.
Q Was he ever married before he married you?
A No sir.
Q Are you and Collin C. Ironside living together at this time?
A Yes sir.
Q Have you lived together continuously as husband and wife since 1874 in the Cherokee Nation?
A Yes sir; only we were away a short time.
Q Where were you? A In Dakota; we never moved away
Q You were absent on a visit?
A Yes sir; the Indian Territory has been our home.
Q Was Collin C. Ironside a recognized citizen by blood of the Cherokee nation, at the time you married him?
A Yes sir.
Q Have you any documentary evidence of your marriage?
A Yes sir.

Applicant offers in evidence a certificate of marriage signed by Jas. Ketcham to the effect that she was married to C. C. Ironside on the 29th day of April, 1874.

Q Who was James Ketcham?
A He was a Minister of the Gospel. I think he belonged to the Delawares.

BY MR. HASTINGS.

Q You claim your only right to enrollment through your marriage

to Collin C. Ironside?
A Yes sir.
Q To no one else? A No sir.
Q Collin C. Ironside is a Shawnee citizen of the Cherokee Nation?
A Yes sir.
Q He claims in the Cherokee Nation by virtue of his being a Shawnee and through the Shawnee agreement?
A Yes sir.
Q He doesn't claim by virtue of Cherokee blood?
A No sir.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 22nd day of January, 1907.

John E. Tidwell
Notary Public.

L. G. D. Cherokee 3927.

(COPY)

Cherokee nation,

Delaware Disct.

April 29th, 1874.

This is to certify that I have this 29th day of April joined together in the holy bond of Matrimony according to the rights of the M. Episcopal Church C. C. Ironside and Louisa Kibbie.

(Signed) Jas. Ketcham.

Witness:

G. Blakeney.
Mrs. Hester I. West.

The undersigned being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that same is a true copy of the original marriage certificate on file in this office.

Myrtle Hill

Subscribed and sworn to before me this the 22nd day of January, 1907.

John E. Tidwell

Notary Public.

C.E.W.

Cherokee 3927.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma L. Ironside as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, October 2, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Emma L. Ironside as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 16, 1902, and January 18, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Emma L. Ironside, identified on the Cherokee authenticated tribal roll of 1880 as an adopted white, neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one Collin C. Ironside, who is identified on the Shawnee register at No. 432, and upon the approved partial roll of citizens of the Cherokee Nation opposite No. 9463, as a citizen of the Cherokee Nation of Shawnee blood, was a member of the Shawnee tribe of Indians, and acquired his right to enrollment as a citizen of the Cherokee Nation by virtue of his compliance with the provisions of the agreement entered into by the Cherokees and Shawnee tribe of Indians June 7, 1869, and approved by the President June 9, 1869.

In view of the foregoing, it is considered that the applicant Emma L. Ironside, acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of her said marriage to Collin C. Ironside, who is not a citizen of the Cherokee Nation of Cherokee blood.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al., vs the United States, Nos. 125, 126, 127 and 128, the said applicant, Emma L. Ironside is not entitled, under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 1907.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
3927

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 26, 1906.

Emma L. Ironside,

Bluejacket, Indian Territory.

Dear Madam:

"November 26, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Friday, January 4, 1907, and give testimony as above indicated.

Respectfully,

Wm. O. Beall

Acting Commissioner.

JMH

Cherokee
3927

Muskogee, Indian Territory, January 21, 1907

Emma L. Ironside,

Miami, Indian Territory.

Dear Madam:

Replying to your letter of January 7, with reference to your rights to enrollment as a citizen by intermarriage of the Cherokee Nation, you are advised that the United states Supreme Court by its decision of Nove ber 5, 1906, held that white persons who intermarried according to Cherokee law, with Cherokee citizens prior to November 1, 1875, are entitled to enrollment as citizens by intermarriage of the Cherokee Nation.

If you claim to be entitled to enrollmen t under the Court's decision, you will be permitted to appear before the Commissioner at Muskogee, Indian Territory , at any time in the near future and submit such testimony as you desire relative to your marriage to your Cherokee husband by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, and as to the date of your marriage.

The Act of Congress approved April 26, 1906, provides that the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person as a citizen of the Cherokee Nation after March 4, 1907, and the matter should, therefore, receive your immediate attention.

Respectfully,

Commissioner.

NPI

Cherokee 3927

Muskogee, Indian Territory, February 1, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 1, 1907, rejecting the application for the enrollment of Emma L. Ironside as a citizen by bintermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Enc I-77.

Commissioner.

RPI

Muskogee, Indian Territory, February 1, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Emma L. Ironside as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 1, 1907, denying said application.

Respectfully,

Commissioner.

Enc L-78
RPI
Through the Commissioner
of Indian Affairs.

Cherokee
3927

Muskogee, Indian Territory, February 2, 1907.

Emma L. Ironside,

Miami, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 2, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enc I-78

RPI
Register

COPY.

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
12683-1907. WASHINGTON.

February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 1, 1907, transmitting the record relative to the application for enrollment of Emma L. Ironsides as a citizen by intermarriage of the Cherokee Nation.

On February 1, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The evidence shows that the applicant, who is identified on the Cherokee authenticated roll of 1880 as an adopted white, neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation except by reason of her marriage to one Collin C. Ironsides, who is identified upon the Shawnee register and upon the approved partial roll of citizens of the Cherokee Nation as a citizen of the Cherokee Nation of Shawnee blood, and who acquired his right to enrollment by his compliance with the provisions of the agreement entered into by the Cherokee and Shawnee tribes of Indians June 7, 1869, and ratified by the President June 9, 1869.

In view of the evidence, it is considered that the applicant, Emma L. Ironsides, acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of her marriage to Sellin C. Ironsides, who is not a citizen of the Cherokee Nation of Cherokee blood.

Under the decision of the Supreme Court of the United States dated November 5, 1906, in the case of Daniel Red Bird, et al, vs. the United States, the applicant is not entitled to enrollment.

It is therefore recommended that the decision of the Commissioner adverse to the applicant be approved.

Very respectfully,

C. F. Larrabee,

JPB-GH

Acting Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D. C. 12415
I.T.D. 5042,5044,5054,5070,5126-07.
5162,5338,5340,5362,5372- "
5468,5430,5432,5484, - "

Y.P.
WHE.

LRS.
DIRECT.

February 28, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Emma L. Ironside, (Intermarried)	February 1, 1907
Nancy Raper, (Intermarried)	February 2, 1907
John Swain, (Intermarried)	February 2, 1907
Eva Ellen Anderson (Freedman)	January 12, 1907
William M. Donaldson	December 3, 1906
Fannie W. Trott, (Intermarried)	January 8, 1907
Louisa J. Sloan, (Intermarried)	February 6, 1907
Dollie Theresa Callaway, et al,	January 25, 1907
Martha Harris, (Intermarried)	February 6, 1907
Sandy Smith, (Freedman)	November 23, 1906
Edward Chaney,	January 25, 1907
Carl W. Fishback,	January 18, 1907
Sarah E. Mcdonald, (Intermarried)	January 30, 1907.
Mary A. Price (Intermarried)	January 30, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed. A copy hereof and all the papers in the above-mentioned cases have been sent to the Indian Office.

Respectfully,

(signed) Jesse E. Wilson
Assistant Secretary

AFMc
3-1-07

14 inc. and 23 for Ind. Of.

Copy

LAND
21116-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 28, 1907 (I.T.D. 5042-1907), rejecting, among others, the application of Emma L. Ironside, et al., for enrollment as citizens by intermarriage of the Cherokee Nation, there is returned herewith the record in that case for reconsideration.

It will be noted that the applicant is identified on the Cherokee authenticated tribal roll of 1880 and that she married a duly enrolled citizen of the Cherokee Nation on April 29, 1874.

Although her husband appears to have been a Shawnee by blood, the applicant, by reason of her marriage as above, and her name appearing on the 1880 roll, seems to be entitled to enrollment, under the decision of the Attorney General of February 26, 1907, in the case of John W. Gleason.

It is therefore recommended that the Department rescind its decision of February 28, 1907, so far as it relates to this applicant, and grant her application for enrollment as a citizen by intermarriage of the Cherokee Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

I V

D.C.13638-1907. SPECIAL W.E.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7880-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 2, 1907 (Land 21116), the Indian Office returned the record in the matter of the application of Emma L. Ironside for enrollment as a citizen by intermarriage of the Cherokee Nation, and recommended that, in view of the decision of the Attorney-General dated February 26, 1907, in the case of John W. Gleason, the Department rescind its action of February 28, 1907, and reverse your decision adverse to said applicant.

The Department considers the decision of the Indian Office correct.

Your decision of February 1, 1907, adverse to the applicant Emma L. Ironside, is hereby reversed, and you are directed to enroll said applicant as a citizen by intermarriage of the Cherokee Nation.

The papers have been sent to the Indian Office, together with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,
Acting Secretary.

1 enclosure, and
2 enclosures and copy hereof
to Indian Office.

WCF 3-4-07

Cherokee 3927

COPY

Muskogee, Indian Territory, March 9, 1907.

Emma L. Ironside,

Miami, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 1, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl.H-12
JMH

Cherokee 3927

COPY

Muskogee, Indian Territory, March 9, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 1, 1907, rejecting the application for the enrollment of Emma L. Ironside as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl.H-19
JMH

Cherokee 3927

COPY

Muskogee, Indian Territory, March 21, 1907.

Emma L. Ironside,

Miami, Indian Territory,

Dear Madam:

You are hereby advised that the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-603

R.P.I.

Cherokee 3927

Copy

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Emma L. Ironside as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc L-602

RPI

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T.
References in body
of letter.

May 11, 1907.

Subject: Motions for review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Dovie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, Now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

24, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the Office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary

I.T. references in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

May 18, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Dovie Johnson
42888- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJV-FHE.

Cherokee
247

Muskogee, Indian Territory, May 25, 1907.

Emma J. Ironsides,
Miami, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-8
LMC

Cherokee
P53, et al

Muskogee, Indian Territory, May 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.G-29
LMC

G F 13170
Cher.Allot.
I.W. 247

Muskogee, Indian Territory, October 24, 1907.

Emma L. Ironside,

Miami, Indian Territory.

Dear Madam:

This office is in receipt of your letter of October 19, 1907, asking that certificates describing your allotment be forwarded to you.

In reply you are advised that it appears from the records of this office that your proper name is Emma L. Ironside and that your name has been placed upon the approved roll of citizens by intermarriage of the Cherokee Nation as Emma J. Ironsides. The matter of the delivery of your certificates has been held as the matter of the advisability of making any corrections on the approved roll of Cherokee citizens has been under the consideration of this office and the Department.

If you are willing that your name shall remain upon the approved roll of Cherokee citizens as Emma J. Ironsides and will so advise this office, your allotment certificates, which of course will have to be issued in the name of Emma J.

Emma L. Ironside--S.

Ironsides should your name remain that way upon the roll, will be forwarded to you should no objection not now apparent appear.

Respectfully,

JOR-(GHL) Commissioner.

Muskogee, Indian Territory, November 2, 1907.

Subject:
Recommends change
in name of Emma L.
Ironside upon
Cherokee Roll.

The Honorable,

The Secretary of the Interior.

Sir:

On February 2, 1907, the Commissioner to the Five Civilized Tribes rendered his decision rejecting the application of Emma L. Ironside for enrollment as a citizen by intermarriage of the Cherokee Nation. This decision was approved by the Department, among others, on February 28, 1907 (I.T.D.5042-1907), and on March 4, 1907 (I.T.D.7820-1907), the Department rescinded its decision and ordered said Emma L. Ironside enrolled as a citizen by intermarriage of the Cherokee Nation. The name of this applicant we placed on a schedule of citizens by intermarriage, which was prepared by an employee of this office in Washington, and approved by the Department, March 4, 1907, as Emma J. Ironsides, opposite Roll No. 247.

In a letter of this office addressed to Mrs. Ironside under date of October 24, 1907, she was advised of the discrepancy in her name as it appears on the Roll and in her reply of October 26, 1907, she protested against her name remaining upon the Roll as Emma J. Ironsides, and requested that the mistake be corrected.

The Secretary------2.

On September 23, 1907 (Subject: Exclusions from Tribal Rolls), the Department in a letter addressed to Messrs. Mills Brothers, of Atoka, Indian Territory, expressed its opinion as

> "having authority to correct errors of the rolls in their natural course of proceeding, notwithstanding the close of the rolls against further administrative or quasi judicial action by limitation of its powers for these purposes to March 4, 1907."

I, therefore, respectfully recommend that the name of this person be changed upon the copies of the approved roll of Cherokee citizens retained by the Department and in the Office of the Commissioner of Indian Affairs, from Emma J. Ironsides to Emma L. Ironside, and that this office be authorized to make such change on the copies of said Roll in its possession.

Respectfully,

JOR (AV)

Commissioner.

JUN 7
1966

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Emma L. Ironside,

~~Bluejacket, Indian Territory.~~

Cher IW 248

Cher IW 248

2030

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 1 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 27th, 1900.

IN THE MATTER OF THE APPLICATION OF James S. Harris and wife, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A James S. Harris.
Q What is your age? A Sixty five.
Q What is your Postoffice? A Muskogee.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A One sixteenth.
Q What district do you live in? A Canadian.
Q How long have you been a resident of the Cherokee Nation continuously? A About twenty one years.
Q For whom do you apply for enrollment? A Myself and wife.
Q What is the name of your father? A William Harris.
Q Is he living? A No sir.
Q Was he a Cherokee citizen by blood? A No sir; white man.
Q Did he die before 1880? A Yes sir.
Q What is the name of your mother? A Susan Harris.
Q Is she living? A No sir.
Q Was she a Cherokee citizen by blood? A Yes sir.
Q Did she die before 1880? A No sir; died since then.
Q What is the name of your wife? A Phirena Harris.
Q Is she living? A Yes sir.
Q Is she a citizen by blood? A No sir.
Q When were you married to her? A 1872.
Q Her father and mother living? A Both dead.
Q Die before 1880? A Her mother died since 1880.
Q What was her name? A Elizabeth Conley.
Q What District did you live in in 1880? A Canadian.
(1880 Roll, Page 21, #592, James F. (S) Harris, Canadian District)
(1880 Roll, Page 21, #593, Pyrena Harris, Canadian District)
(189 Roll, Page 34, #934, James S. Harris, Canadian District)
(189 Roll, Page 34, #120, Pyrenia Harris, Canadian District)

The name of James S. Harris, appearing on the authenticated roll of 1880, as James S. Harris, and on the census roll of 1896 as James F. Harris; the name of his wife, Phirena, appearing on the authenticated roll of 1880, as well as the census roll of 1896; they having made satisfactory affidavit as to their residence, being fully identified according to the page and number of the said rolls, as indicated in the testimony; he will be duly listed for enrollment by this Commission as a citizen by blood, and his wife as a citizen by intermarriage.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of September, 1900.

COMMISSIONER.

Copy

Cher-2010.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T., October 18, 1902.

In the matter of the application of James S. Harris for the enrollment of himself as a Cherokee by blood of the Cherokee Nation, and for the enrollment of his wife Pyrena as a citizen by intermarriage of the Cherokee Nation.

James S. Harris, called as a witness, being first duly sworn and examined, testified as follows:

Q What is your name? A James S. Harris.
Q How old are you? A Sixty seven years.
Q Are you a Cherokee by Blood? A Yes sir.
Q What is your wife's name? A Pyrena Harris.
Q Is she a white woman? A Yes sir.
Q Was she your wife in 1880? A Yes sir.
Q She claims her citizenship through you? A Yes sir
Q Have you and your wife been living together ever since 1880? A Yes sir.
Q Have you ever been separated at all? A No sir.
Q And you are living together now? A Yes sir.
Q Has the Cherokee nation been your home ever since 1880? A yes sir.
Q You have never lived anywhere else? A No sir.
Q Have you any children? A Yes sir.
Q They are all old enough to be on the roll themselves--to enroll themselves? A Yes, got families of their own.

--------o--------

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings had in the above entitled cause on the 18th day of October, 1902, and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this October 25th, 1902

B. O. Jones
Notary Public.

Copy

E C M

Cherokee 2030.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of PHIRENA HARRIS as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory, August 27,1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Phirena Harris as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Terr tory, October 18, 1902.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Phifena Harris, a white woman, is alleged to have married one James S. Harris, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Canadian District No.592 as a native Cherokee, and whose name is included on the approved partial roll of citizens by blood of the Cherokee Nation opposite No.5297. Said marriage is alleged to have been contracted in 1872.

December 24, 1906 and again on February 13, 1907 the applicant in this case, Phirena Harris, was notified to appear immediately and give testimony tending to establish the date of said marriage. This, said applicant has failed to do. Said applicant, Phirena Harris, is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128,the said applicant, Phirena Harris, is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this _____.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
2030

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 24, 1906.

Pyrena Harris,

Muskogee, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

W. O. Beall

Acting Commissioner.

LMC

Cherokee 2030

COPY

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for the enrollment of Phirena Harris as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-57/2

Commissioner.

HPI

COPY

Cherokee 2030

Muskogee, Indian Territory, February 27, 1907.

Phirena Harris,

Chaffee, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior forhis review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-58 1/2

RPI

Register.

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Phirena Harris as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 27, 1907, rejecting said application.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Enc I-59 1/2

RPI

Through the Commissioner
of Indian Affairs.

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T.
References in body
of letter.

May 11, 1907.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Davie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, New Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	N. A. Welsh.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the Office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary

L.R. referenced in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

SAW

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42884- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Devie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Nattie Wright
42883- "	Nancy Wolfe
42880- "	M. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-FHR.

Cherokee
248

Muskogee, Indian Territory, May 25, 1907.

Phirena Harris,

Chaffee, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-5
LMC

Cherokee
253 et al.

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
SEP 26
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1906
IND.T.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Pyrena Harris,

Muskogee, Indian Territory.

Cher IW 249

Cher IW 249

1874 A

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1900

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., August 23, 1900.

In the matter of the application of Sarah A. Jordan for enrollment as a Cherokee by intermarriage; being sworn and examined by Commissioner Breckenridge, she testified as follows:

Q What is your full name? A Sarah A. Jordan.
Q How old are you? A I am 69 years old in November.
Q What is your post office? A McLain.
Q What is your district? A Canadian.
Q Who is it you want to have put on the roll? A Myself, and my grandson is here to put himself on the roll.
Q Just you and your grandson? A He will put himself on the roll.
Q Have you any children you want to apply for? A No, I haven't got but two children living.
Q They are of age, are they? A Yes, sir.
Q Do you apply as a Cherokee by blood? A I am, but then my mother never came to this country to prove her rights, she followed the Cherokees to Alabama and when she got to Alabama her and her husband stayed there.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q How long have you been in the Cherokee Nation? A About 25 years I reckon.
Q How long have you been in Canadian district? A I have been there about 2 years I suppose.
Q Are you on the roll of 1880? A Yes, sir, if I am not I ought to be.
Q What is the name of your father? A My father's name is Joseph Williams.
Q Is he a Cherokee or a white man? A He was a white man.
Q Is he dead or alive? A He is dead.
Q How long has he been dead? A He has been dead about 5 years.
Q What is the name of your mother? A Martha Williams.
Q She was a Cherokee or a white woman? A She was a Cherokee.
Q Is she dead or alive? A She is dead.
Q How long has she been dead? A She has been dead about 35 years.
Q What was your husband's name? A Andrew V. Jordan.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee or a white man? A He was a Cherokee.
Q When did he die? A He died in 1861.
(On 1880 roll, page 27, No. 756, S. A. Jordan, Canadian district; on 1896 roll, page 89, No. 138, Sarah A. Jordan, Canadian district.)
Q You have lived in the Cherokee Nation ever since you were enrolled in 1880? A Yes, sir, I have.
Q Do you apply now as a Cherokee by blood or as an adopted Cherokee.
A Adopted, because my parents never came here.

The applicant is identified on the rolls of 1880 and 1896 as an adopted Cherokee; she has lived in the Cherokee Nation ever since her enrollment in 1880, and she will now be listed for enrollment as a Cherokee by adoption.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of September, 1900.

C. R. Breckenridge
Commissioner

1874 TB

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 28 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath. NCIAN.

CHEROKEES BY BLOOD AND ADOPTION.

AUG 23 1900

Date ..... 1900.

Name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Sarah A. Jordan, McLain, P.O.

District ..... Year 1896 Page 27 No. 756

Citizen by blood No. Mother's citizenship Chas. Williams - white - dead

Intermarried citizen Yes. Parents of Martha " - dead

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 8 1903

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 14th, 1902.

In the matter of the application of Sarah A. Jordan for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to #1874.

Sarah A. Jordan, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Sarah A. Jordan.
Q. How old are you? A. I will be 71 the 3rd day of next month if I live to see the day.
Q. What is your post office? A. Bartlesville.
Q. Was it McLain? A. Yes, sir; it was McLain when I come in before.
Q. You are a white woman, are you? A. Yes, sir.
Q. You are on the eighty roll as an intermarried white woman?
A. Yes, sir.
Q. What was the name of your husband in 1880? A. Andrew V. Jordan.
Q. Is he still living? A. He died in '62.
Q. Then he wasn't your husband in 1880? He was dead before 1880?
A. Yes, sir; he was.
Q. Have you married since 1880? A. No, sr.
Q. Have you been living in the Cherokee Nation all the time since 1880? A. Yes, sir; ever since 1880? I have.
Q. Never lived anywhere else? A. No, never have been outside of the Cherokee Nation. I have lived within 15 miles of this town alese to 25 years.

++++++++++++++++++++++++++++++++++++++

Jesse O. Carr, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 3rd day of January, 1903.

John T. Coson
Notary Public

exp'd 8

CHEROKEE-1874.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 4, 1907.

In the matter of making proof of the marriage of Sarah A. Jordan to her Cherokee husband, prior to November 1, 1875.

John D. Jordan, being sworn by W. W. Chappell, a Notary Public, testified as follows:

COMMISSIONER:

Q. What is your name? A. John D. Jordan.
Q. What is your age? A. 52.
Q. What is your post office address? A. I live near Ramona.
Q. How long have you lived there? A. I have lived on the place I am now on for 5 years last november, I believe.
Q. In whose behalf do you appear here today? A. My mother's, Sarah J. Jordan.
Q. Is she living at this time? A. No sir.
Q. When did she die? A. The 6th. of June, 1906.
Q. Did she claim citizenship in the Cherokee Nation by intermarriage? A. Yes sir.
Q. Through whom did she make that claim? A. Through her marriage with A. V. Jordan -- Andrew Vann Jordan.
Q. When were they married? A. I can't tell you the year they were married. I have no record of it at all.
Q. Where were they married? A. In Rusk County, Texas, near Henderson, the county-seat.
Q. Have you a certified copy of the marriage license? A. No sir.
Q. They were married under a license issued by the State of Texas? A. Yes sir that is my understanding.
Q. When did they remove to the Cherokee Nation? A. We come here -- my father died in '62, and me and my mother and brothers and sisters moved here in '78 and proved up our citizenship before the Chambers' Court in '79. We have a certificate at home, if I haven't got it lost.
Q. A certified copy of the act of admission to citizenship by the Chambers' Court, in '79? A. Yes sir.
Q. Did Sarah A. Jordan marry again? A. She never did.
Q. Did she reside continuously in the Cherokee Nation from the time of her removal from Texas until her death? A. Yes sir, she never was outside of the Cherokee Nation after that.
Q. You don't know how long prior to the death of her husband it was that they moved to the Cherokee Nation? A. It was since his death. My father died in '62, and we moved here in '78 and were admitted in '79.
Q. Was she recognized on any of the Cherokee rolls? A. Yes sir, as well as I remember, she drawed money here once -- what was called the Bread Money. Her name was taken on all of the rolls that were ever taken in the country, as an adopted citizen.
Q. Were you ever recognized on any of the rolls? A. Yes sir, all of them.
Q. Are there any other children besides yourself? A. Yes sir, there were three others.

Q. What were their names? A. James Alexander Jordan, Martin Jordan and my sister was named Fannie.
Q. In what years were they born? A. I couldn't tell you. They are all dead but me.
Q. None of them living at this time? A. No sir.

(Commissioner -- The name of Sarah A. Jordan appears upon the 1880 Roll opposite No. 256, in Canadian District; also upon the 1896 Census Roll opposite No. 138.)

Witness excused.

Eula Jeanes Branson, being duly sworn, states that she correctly reported the proceedings had in the above and foregoing on the 4th. day of January, 1907.

Eula Jeanes Branson

Subscribed and sworn to before me, this 4th. day of January, 1907

Edward Merritt
Notary Public.

C. F. B. Cherokee 1878.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 8, 1907.

Supplemental Proceedings in the Matter of the Application for the Enrollment of Sarah A. Jordan as a citizen by Intermarriage of the Cherokee Nation.

Sarah A. Haltom being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Sarah A. Haltom.
Q What is your age? A 75.
Q What is your post office address?
A Muskogee.
Q You appear here for the purpose of giving testimony in the matter of the application for the enrollment of Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q Is Sarah A. Jordan living or dead?
A She is dead.
Q When did she die?
A I don't know the time of her death.
Q When did you first become acquainted with her?
A In about '48 or '49.
Q Where was she living at that time?
A Russ County, Texas.
Q She was not a Cherokee by blood?
A I think not.
Q Did you know her husband?
A Yes sir.
Q What was his name?
A Andrew V. Jordan.
Q He is dead? A Yes sir.
Q Do you know when Sarah A. Jordan was married to her husband Andrew V. Jordan?
A Not exactly; '52 or '53 I think.
Q They were married in Texas?
A Yes sir; Russ County.
Q Do you know when they first came to the Cherokee Nation?
A I do not.
Q Can you give anywhere near the year?
A I don't believe I can. We have been here 13 years and they had been here several years when we came here.
Q You knew them all the time after you became acquainted with them, as man and wife?
A Yes sir.
Q Did you know either of them before their marriage?
A Both of them.
Q And you have every reason to believe that they were married according to the laws of Texas?
A Yes sir.
Q And you know of your own personal knowledge that from the time of their reputed marriage, they lived together as man and wife until the death of Mr. Jordan?
A Yes sir.

Q Do you remember when he died?
A No sir; I do not.
Q Since the death of Mr. Jordan, has Sarah A. Jordan re-married?
A No sir.
Q She has remained a widow ever since the death of her husband?
A Yes sir.
Q Were either of these parties ever married prior to the time they were married to each other?
A No sir.
Q Did you know Andrew V. Jordan's father?
A No sir; he was dead before I went to Texas.
Q Did you know his mother?
A Yes sir.
Q They had been living in Texas had they, for a number of years prior to the marriage of Andrew V. Jordan to his wife, Sarah A. Jordan?
A Yes sir.
Q You had known them for 6 or 7 years, had you?
A Yes sir; 6 or 7 years.
Q What was the name of Andrew V. Jordan's mother?
A Nancy Jordan. After the death of Mr. Jordan, she then married a Mr. Anderson.
Q Her name then at the time of her death was Sarah Anderson?
A Yes sir.

John D. Jordan being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A John D. Jordan.
Q What is your age? A 32.
Q What is your post office address?
A Ramona, Indian Territory, Cherokee Nation.
Q What is the name of your mother?
A Sarah A. Jordan.
Q Is she living or dead? A Dead.
Q When did she die? A 6th day of June, 1906.
Q What is the name of your father?
A Andrew V. Jordan.
Q He is dead?
Q When did he die? A Yes sir.
Q Your father was a Cherokee? A May 9, 1862.
Q Your mother possessed no Cherokee blood? A Yes sir.
A None at all.
Q She claims the right to enrollment as a citizen of the Cherokee Nation by virtue of her marriage to your father?
A Yes sir.
Q Where was your father living at the time he married your mother, do you know?
A Seven miles southeast of Henderson, Rusk County, Texas.
Q You were born in Texas? A Yes sir.
Q When? A March 7, 1884.
Q When were your father and mother married, do you know?
A Only from the records; 9th of December, 1881 I think.
Q Was your father living in Texas at that time?
A Yes sir; I suppose he was.

Q And it is your understanding and you believe, do you not, that your father and mother were married in Texas and that from the time of their marriage, they continued to live together as husband and wife until the time of the death of your father, which occurred you say in 1862?
A Yes sir.
Q After the death of your father, did your mother continue to reside in the State of Texas?
A Until '78.
Q She removed then to the Cherokee Nation in 1878?
A Yes sir.
Q After coming to the Cherokee Nation, her children as descendants of her husband went before the Cherokee authorities and were admitted to citizenship in the Cherokee Nation?
A Yes sir.
Q That was in 1878?
A 1879 when we were admitted.
Q By what authority were you admitted, do you remember?
A Chambers Court.
Q Have you any information as to where your father was born?
A Only what I have been told; he was born on the road from the old Nation to the Cherokee Nation here.
Q He arrived then in the Cherokee Nation not long after his birth?
A Yes sir.
Q What was his name in full?
A Andrew Vann Jordan.
Q What was the name of his father?
A I believe his name was Alec Jordan.
Q What was his mother's name?
A Her name was Nancy Rogers.
Q You have no knowledge of course as to the date of the removal of your father from the Cherokee Nation to the State of Texas?
A None at all.
Q You have no knowledge whatever as to how long he had been in Texas prior to his marriage to your mother?
A No sir; I don't know how long they lived in this country.
Q Did his father and mother go to Texas?
A Yes sir.
Q His father and mother then moved to Texas and he lived with them there?
A Yes.

Jim Pope being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Jim Pope.
Q What is your age? A 56 years old.
Q What is your post office address?
A My home is in Centralia. I have been here now for two or three weeks.
Q Did you ever know a person by the name of Sarah A. Jordan?
A Yes sir.
Q Was she a white woman?
A Yes sir.
Q She was married at one time to a Cherokee by blood?
A Yes sir. That is what I always understood.

C. F. B.

Cherokee 1874.

Q What was her husband's name? A Andrew Vann Jordan.
Q Where were Andrew Vann Jordan and Sarah A. Jordan married?
A In Texas, is what they all said.
Q You didn't witness the marriage?
A No sir.
Q But it was understood among all the people who knew them that they were man and wife?
A Yes sir.
Q They lived together as man and wife until the death of Andrew V. Jordan?
A Yes sir.
Q Did you know Andrew V. Jordan?
A Yes sir; a long time ago though.
Q Did you know either of these parties or both of them before they were married?
A I don't remember.
Q Do you remember when Sarah A. Jordan came to the Cherokee Nation?
A Yessir; about the time.
Q In what year?
A It has been over 25 years ago. They came before I did and I have been here about 23 years.

The undersigned being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 12th day of January, 1907.

Chas E Webster

Notary Public.

R C M Cherokee 1874.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SARAH A. JORDAN as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS IN THIS CASE SHOW: That at Fort Gibson, Indian Territory, August 23,1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 14, 1902 and January 4, and January 8, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sarah A. Jordan, who is identified on the Cherokee authenticated tribal roll of 1880 as an intermarried citizen of the Cherokee Nation, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage in the State of Texas about the year 1858 to one Andrew V. Jordan, since deceased, a Cherokee by blood; that the said Andrew V. Jordan was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation; that said Andrew V. Jordan died in the State of Texas without becoming a citizen of the Cherokee Nation; that in 1878 the said Sarah A. Jordan removed to the Cherokee Nation, and the said applicant does not claim to have been admitted to citizenship in the Cherokee Nation until the year 1879. Said applicant did not, therefore, marry a recognized citizen by blood of the Cherokee Nation prior to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 127, the said applicant, Sarah A. Jordan is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this _____.

Act Jan'y 29, 1887.

Roll No. 11.

(B.)

ARMY VOUCHER No. 3.169

WIDOW.

Sarah A. Jordan

, 189.

Andrew V. Ar

$ 24.

4 Nov. 1896
To
4 Feb. 1897

Return this voucher for payment to

G. W. Glick,
U. S. Pension Agent,

Topeka, Kans.

State of , County of , ss:

I, , Clerk of the Court of the County and State aforesaid, do hereby certify that is , duly commissioned and qualified, and that he has authority to administer oaths for general purposes; that his commission was dated on the day of 18 , and will expire on the day of 189 , and that his signature within written is genuine.

Given under my hand and the seal of said Court this day of , 189.

Clerk.

INSTRUCTIONS TO MAGISTRATES.

Magistrate should compare this voucher with pension certificate, exercising the utmost care in its execution.

Vouchers may be executed before any officer authorized to administer oaths for general purposes. If he has a seal it should be affixed; if not, a certificate of the proper officer, showing the commencement and termination of his term of office, must be filed in this Agency. Vouchers

Act Jan'y 29, 1887.

Roll No. 11 (B.)

ARMY VOUCHER No. 3169

WIDOW.

Sarah A. Jordan

, 189

Ordered $24.

4 Nov. 1893 To 4 Feb. 1897

Return this voucher for payment to

G. W. GLICK,
U. S. Pension Agent,

TOPEKA, KANS.

STATE OF ..... COUNTY OF ....., ss:

I, ..., Clerk of the ..... Court of the County and State aforesaid, do hereby certify that ..... is ....., duly commissioned and qualified, and that he has authority to administer oaths for general purposes; that his commission was dated on the ..... day of ....., 18 .., and will expire on the ..... day of ....., 189 , and that his signature within written is genuine.

GIVEN under my hand and the seal of said Court this ..... day of ....., 189.....

.....
Clerk.

INSTRUCTIONS TO MAGISTRATES.

Magistrate should compare this voucher with pension certificate, exercising the utmost care in its execution.

Vouchers may be executed before any officer authorized to administer oaths for general purposes. If he has a seal it should be affixed; if not, a certificate of the proper officer, showing the commencement and termination of his term of office, must be filed in this Agency. Vouchers may also be executed before fourth-class postmasters.

INSTRUCTIONS TO PENSIONERS.

Give the magistrate the exact post-office address (street and number) to which you wish the check to be sent, and see that it is written in its place in the voucher.

Delay is occasioned by errors in giving post-office address.

WRITE NAME AND P. O. ADDRESS PLAINLY HERE.

Name:

Street:

Town:

County:

State:

Act Jan'y 29, 1887.

Roll No. 11

(B.)

ARMY VOUCHER No. 3169

WIDOW.

Sarah A. Jordan

Original $24.

4 Nov. 1896 To 4 Feb. 1897

189

Return this voucher for payment to

G. W. Glick,
U. S. Pension Agent,
Topeka, Kans.

STATE OF ....., COUNTY OF ....., ss:

I, ..., Clerk of the ..... Court of the County and State aforesaid, do hereby certify that ..... is ....., duly commissioned and qualified, and that he has authority to administer oaths for general purposes; that his commission was dated on the ..... day of ....., 18.. , and will expire on the ..... day of ....., 189 .. , and that his signature within written is genuine.

GIVEN under my hand and the seal of said Court this ..... day of ....., 189.....

..... Clerk.

INSTRUCTIONS TO MAGISTRATES.

Magistrate should compare this voucher with pension certificate, exercising the utmost care in its execution.

Vouchers may be executed before any officer authorized to administer oaths for general purposes. If he has a seal it should be affixed; if not, a certificate of the proper officer, showing the commencement and termination of his term of office, must be filed in this Agency. Vouchers may also be executed before fourth-class postmasters.

INSTRUCTIONS TO PENSIONERS.

Give the magistrate the exact post-office address (street and number) to which you wish the check to be sent, and see that it is written in its place in the voucher.

Delay is occasioned by errors in giving post-office address.

WRITE NAME AND P. O. ADDRESS PLAINLY HERE.

Name: .....

Street: .....

Town: .....

County: .....

State: .....

11

3—281

Magistrate and pensioner before executing this voucher should read carefully the special instructions on face and back of same.

DO NOT EXECUTE BEFORE FEB 4 1897

B **WIDOW.** B

Be it known, That I, Sarah A. Jordan, do solemnly swear that I am the identical person named in pension certificate in my possession, No. 3169, dated 16 day of Mch, 1888 and whose name is inscribed on the rolls of the Topeka Agency at the rate of 8 dollar per month,

That I am the widow of Andrew V. Jordan, who was a Pt, and that I have not remarried since his death; that my P. O. address is ....., in the County of ..... State of .....

(If pensioner signs by mark, two witnesses who can write.)

(Pensioner's signature.) Sarah A Jordan (Signature must be written legibly for letter as it is in pension certificate.)

DEPOSITION OF TWO WITNESSES.

We, the undersigned witnesses, do solemnly swear that we are well acquainted with the above-named pensioner; that she is the identical person that she represents herself to be; and that, to our best knowledge and belief, she has not remarried since the death of her late husband, above named; and that our acquaintance with her is such that, if she had resumed marriage relations, the fact would have become known to us.

(If mark is made, one witness is sufficient in addition to magistrate's jurat.) (Witness' signature.) .....

(Witness' signature.) .....

THE PENSION CERTIFICATE MUST BE EXHIBITED TO THE MAGISTRATE WHEN THIS VOUCHER IS EXECUTED.

State of ....., *County of* ....., *ss:*

Personally appeared before me, this ..... day of ....., 189 , the above witnesses, ... of ....., and ..... of ....., whom I believe to be credible persons, and the pensioner, above named, and made oath in due form of law to the truth of the foregoing statements subscribed by them; and I certify that the aforesaid pensioner has this day exhibited to me her pension certificate, above described, and signed the following duplicate receipts in my presence.

(If mark is made, one witness is sufficient in addition to jurat of magistrate, who must certify to any erasures or alterations.) (Magistrate's signature.) .....

(Official character.) .....

THE PENSIONER WILL SIGN THESE RECEIPTS IN THE PRESENCE OF THE MAGISTRATE.

ORIGINAL

$24. 189

Received G. W. GLICK., U. S. Pension Agent at TOPEKA, KAS.

Twenty four ..... 100 dollars by check No. .....

dated ..... 189, being for 3 months' and ..... days' pension due me on pension certificate No. 3169, from the 4 day of NOV 1896, 189, to the 4 day of FEB 1897, 189, for which I have signed duplicate receipts.

(Witness who can write:)

S. E. Jordan Sarah A Jordan

Sign name as above.

ST. L.

DUPLICATE

$24. (B.) 189

Received of G. W. GLICK., U. S. Pension Agent at TOPEKA, KAS.

..... 100 dollars by check No. .....

dated ..... 189, being for 3 months' and ..... days' pension due me on pension certificate No. 3169, from the 4 day of NOV 1896, 189, to the 4 day of FEB 1897, 189, for which I have signed duplicate receipts.

(Witness who can write:)

J. A. Jordan Sarah A Jordan

Sign name as above.

Receipts MUST NOT be dated.

Cherokee
1874.

Muskogee, Indian Territory, December 24, 1906.

Sarah A. Jordan,

Bartlesville, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

LMC

Acting Commissioner.

Cherokee
1874.

Muskogee, Indian Territory, December 24, 1906.

Sarah A. Jordan,

Bartlesville, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

LMC

Acting Commissioner.

Cherokee 1874

Muskogee, Indian Territory, February 26, 1907.

Sarah A. Jordan,

Bartlesville, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-112
JMH

Register.

COPY

Cherokee 1874

Muskogee, Indian Territory, February 26, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for the enrollment of Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.H-113
JMH

COPY

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 26, 1907, denying said application.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.K-114
JMH

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

LAND

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed records of the Commissioner to the Five Civilized Tribes in certain intermarried Cherokee cases, wherein the Commissioner determined that the applicants were not entitled to enrollment:

21892- Mary M. Reece;
21893- Joseph A. Thompson;
21898- Joseph B. Ladd;
21884- Sarah A. Jordan.

The record in the case of Sarah Jordan shows that her name appears on the 1880 approved roll of the Cherokee Nation, as well as the 1896 census roll. Under the opinion of the Attorney General of the United States, of February 26, 1907, persons whose names appear on the Cherokee tribal roll of 1880, which was confirmed by the Act of June 28, 1898, are entitled to enrollment in the Cherokee Nation under subsequent laws. It is therefore recommended that the decision of the Commissioner be reversed and that Sarah A. Jordan be enrolled as a citizen of the Cherokee Nation.

As to the other cases, after an investigation made in the Office it has been determined that the decisions of the Commissioner are correct and it is recommended that they be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

RHM-GH.

SPECIAL.

DEPARTMENT OF THE INTERIOR, FRB JRJr.

I. T. D.
8034-1907.

WASHINGTON/

LRB

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department hereby affirms your decisions adverse to the applicants in the following Intermarried Cherokee enrollment cases, received with your letters of February 28, 1907, and Indian Office letter of March 4, 1907 (Land 21892 et al.), copy inclosed, viz:

Mary M. Reese
Josephine A. Thompson
Joseph B. Ladd.

Relative to the Sarah A. Jordan case, also received with said Indian Office letter, the Department, concurring in the recommendation of the Indian Office, considers that said Jordan is entitled to enrollment as an intermarried Cherokee, in view of the opinion of the Attorney-General in the Gleason case, and that of the Assistant Attorney-General in the Bartles case. Your decision as to her, dated February 26, 1907, is accordingly reversed, and you are directed to enroll said Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation.

Copy

The papers in all the cases mentioned have been sent to the Indian Office with a copy hereof.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc and
for Ind Of. with
copy hereof.

AFMc
3-4-07.

Cherokee Nation

COPY

Muskogee, Indian Territory, March 21, 1907.

Sarah A. Jordan,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was reversed by the Secretary of the Interior, March 4, 1907, and said application granted.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-102
JMH

Commissioner.

Cherokee [illegible],
Reg.,10921,1974.

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the applications for the enrollment of Mary M. Reese, Josephine A. Thompson and Joseph H. Ladd, as citizens by intermarriage of the Cherokee Nation, were affirmed, and decision of February [illegible], 1907, rejecting the application for the enrollment of Sarah A. Jordan, as a citizen by intermarriage, was reversed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Department's decision referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl.H-103
JEM

Cherokee
N B 1274

Muskogee, Indian Territory, March 26, 1907

John D. Jordan,

Ramona, Indian Territory.

Dear Sir:

In reply to your letter of March 11, 1907, you are advised that the decision of the Commissioner to the Five Civilized Tribes refusing the application for the enrollment of Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation was, on March 4, 1907, reversed by the Secretary of the Interior. You will be duly advised when her name is placed upon a schedule of such citizens approved by the Secretary of the Interior.

That part of your letter requesting a ticket of admission to the Cherokee Land Office will be made the subject of a separate communication.

Respectfully,

L M B

Acting Commissioner

Cherokee
1874

Muskogee, Indian Territory, March 26, 1907

John D. Jordan,

Ramona, Indian Territory.

Dear Sir:

In reply to your letter of March 11, 1907, you are advised that the decision of the Commissioner to the Five Civilized Tribes refusing the application for the enrollment of Sarah A. Jordan as a citizen by intermarriage of the Cherokee Nation was, on March 4, 1907, reversed by the Secretary of the Interior. You will be duly advised when her name is placed upon a schedule of such citizens approved by the Secretary of the Interior.

That part of your letter requesting a ticket of admission to the Cherokee Land Office will be made the subject of a separate communication.

Respectfully,

L M B

Acting Commissioner

GAW

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osborn J. Byrd,
42884- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Thirena Harris,
42888- "	Daniel Harmon,
42891A "	Emma L. Ironsides,
42896- "	Sarah A. Jordan
42881- "	Devie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, now Kernan,
42883- "	John W. Smith
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

G. F. Larrabee

Acting Commissioner

AJB-FEB.

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary.

I. T. References
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

SAW

May 13, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42898- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Philena Harris
42888- "	Daniel Hanson
42891- "	Rena L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Davie Johnson
42883- "	Andrew N. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42897- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert N. F. Thompson
42889- "	Hattie Wright
42882- "	Nancy Wolfe
42880- "	E. A. Walch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJV-SKK.

Cherokee
283. et al

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl. 8-20
LMC

Cherokee
249

Muskogee, Indian Territory, May 25, 1907.

Sarah A. Jordan,

Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-9
LMC

Cher IW 250

Cher IW 250

COPY

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 13, 1900.

In the matter of the application of Rober H. W. Thompson for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Robert H. W. Thompson.
Q How old are you? A 60 years old.
Q What is your postoffice? A I have just recently moved in the last week. My former postoffice is Westville.
Q Where do you want us to address a letter to you in case we wish to write to you? A Kansas.
Q What district are you living in? A Delaware.
Q Who is it you want to enroll; yourself and family? A Myself, wife and part of my children.
Q How many children have you that are under 21 years of age and not married? A Only one.
Q Are you a Cherokee by blood? A White man.
Q Is your wife a Cherokee by blood? A Yes sir.
Q When were you married to your wife? A In '72.
Q Have you lived with her ever since you were married? A Yes sir.
Q And all the time in the Cherokee Nation? A With the exception of four years.
Q What four years? A I went back to the state of Georgia in the winter of '74 and came back in '78.
Q Lived here ever since '78? A Yes sir.
Q You are on the roll of 1880, are you? A Yes sir.
Q Give me the name of your wife. A Narcissa.
Q How old is she? A About 53.
Q You and your wife have lived together ever since you were married in '72? A Yes sir.
Q Give the name of this child? A Ethel.
Q How old is Ethel? A 12 years old.
Q She's living with you now, is she? A Yes sir.
1880 roll; page 397, #1351, R.H.W. Thompson, Flint district
1880 roll; page 397, #1352, Narsissa, "
1896 roll; page 829, #191, Robert H. " Goingsnake district
1896 roll; page 797, #2136, Narcissa "
1896 roll; page 797, #2141, Ethel "

Commissioner Breckinridge-
The applicant applies for the enrollment of himself, his wife, and one child. He is identified on the roll sof 1880 and 1896 as an adopted Cherokee. He is a white man. He has lived in the Cherokee Nation and with his Cherokee wife since prior to his enrollment in 1880, and he will now be listed for enrollment as a Cherokee by intermarriage. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation since prior to her enrollment in 1880, and she will now be listed for enrollment as a Cherokee by blood. The child, Ethel, a minor, is identified with her parents on the roll of 1896. She is living with them now, and will be listed for enrollment as a Cherokee by blood.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E.G. Rothenberger

Subscribed and sworn to before me this 14th day of December, 1900.

T. B. Needles.
Commissioner.

Endorsement.
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 15 1900
Tams Bixby, Acting Chairman

H.
Cher. 6571.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 6, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDI GS in the matter of the application for the enrollment of ROBERT H. F. THOMPSON as a citizen by intermarriage of the Cherokee Nation.

ROBERT H. F. THOMPSON, being first duly sworn, and being examined testified as follows:

BY COMMISSION: What is your name? A Robert H. F. Thompson.
Q How old are you? A I am sixty-two.
Q What is your post office add ess? A Kansas, I. T.
Q Are youa white man? A Yes sir.
Q Have you heretofore made application to this Commission for enrollment as a citizen by intermarriage of the Cherokee Natio n?
A Yes sir.
Q What is the name of your wife? A Narcissa.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q When were you and she married? A About thirty years ago.
Q Have you and she lived together continuously since the dat e of your marriage? A We have.
Q Are you living together now? A We are.
Q Do you claim your right to enrollment by reason of your marriage to her? A Yes sir.
Q Were you ever married before you married her? A Yes sir.
Q What was the name of your former wife? A Mary Cowart.
Q Is she living? A No sir.
Q Was she a Cherokee by blood? A Yes sir.
Q Did you and she live together until the time of her death?
A Yes sir.
Q Was your first wife ever married before she married you?
A Yes sir.
Q Do you know her former husband's name? A Her husband's name was Lemuel Cowart.
Q Did she live w i h him until he died? A Yes sir.
Q Was your second wife ever married before she married you?
A No sir.
Q Have you resided in the Cherokee Nation continuously since the date of your application for enrollment? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Robert H. F. Thompson as a citizen by intermarriage of the Cherokee Nation.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 10th day of October, 1902.

John C Carson
Notary Public.

C. F. B. Cherokee 6571.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 7, 1907.

In the Matter of the Application for the Enrollment of Robert H. F. Thompson as a citizen by intermarriage of the Cherokee Nation.

Applicant appears in person.

APPEARANCES:

Cherokee Nation represented by
W. W. Hastings, Attorney.

Robert H. F. Thompson being first duly sworn by John E. Tidwell, Notary Public, testified as follows:

ON BEHALF OF COMMISSIONER.

Q What is your name? A Robert H. F. Thompson.
Q What is your age? A 67.
Q What is your post office address?
A Bow.
Q You are an applicant for enrollment as a citizen by intermarriage of the Cherokee Nation?
A Yes sir.
Q You have no Cherokee blood?
A No sir.
Q Your only claim to the right to enrollment as a citizen of the Cherokee Nation is by virtue of your marriage to a citizen by blood?
A Yes sir.
Q What is the name of the citizen through whom you claim that right?
A Narcissa Thompson; Brown before we married.
Q Is she living?
A Yes sir.
Q When did you marry her?
A '72.
Q Was she a recognized citizen of the Cherokee Nation at the time you married her?
A So far as I know, she was.
Q Was she living in the Cherokee country?
A Yes sir.
Q Since your marriage to her, have you and she continuously lived in the Cherokee Nation?
A No sir; I was absent from the Cherokee Nation nearly 4 years.
Q Was she absent with you?
A Yes sir.
Q During what years?
A I believe it was in the fall of '74 that I went to Atlanta, Georgia, and came back in '79.
Q What was the cause of your absence?
A Visiting my family relations.
Q When you left the Cherokee Nation to go to Georgia, did you have a home in the nation?
A Yes sir.
Q Did you keep your home during your residence in Georgia?

A No sir; I didn't keep my home but I left part of my effects here.
Q Was it your intention to return to the Cherokee Nation?
A Yes sir.
Q And your presence in Georgia was in the nature of a visit?
A Yes sir.
Q Did you marry your wife in accordance with the laws of the Cherokee Nation?
A I have been married twice in the Cherokee Nation. My first wife, Mary A. Thompson, I married in 1869 according to the Cherokee law; that is, I got a petition and it was signed by so many citizens as to my good character. I then went to the District Clerk, secured license, took the oath of allegiance to the Cherokee Nation, was married and returned my license. That was in 1869. In 1870 my first wife died and in '72, I married my second wife.
Q Was she a Cherokee by blood also?
A Yes sir.
Q Your first wife was a Cherokee by blood?
A Yes sir.
Q Was your wife Mary A. ever married prior to her marriage to you?
A No sir.
Q Was she your first wife?
A Yes sir.
Q In what district was that license issued authorizing your marriage to your first wife?
A Flint District.
Q Who do you remember who issued it?
A J. Warren Adair.
Q Who married you?
A Reverend Duncan.
Q You and your second wife have continuously lived together as husband and wife from the date of your marriage up to the present time?
A Yes sir.

The applicant, Robert H. F. Thompson is identified on the Cherokee authenticated tribal roll of 1880, Flint District, No. 1351. The name of his second wife, Narcissa Thompson, appears on said roll at No. 1352 and is included in the approved partial roll of citizens of the Cherokee Nation, opposite No. 15739.

Q
Q What was the name of your first wife's father?
A William Dameron.
Q What was her mother's name?
A Nancy.
Q Did they live long enough for their names to appear on the 1880 roll?
A I don't hardly believe they did.
Q Has your first wife any relatives who reside in the Cherokee Nation?
A I don't know that I could locate any.

ON BEHALF OF CHEROKEE NATION.

Q Where did you live when you left the Cherokee Nation in '74 to go back to Georgia?

A I was living in Flint District, at Stilwell.
Q Did you have a farm there then?
A Yes sir.
Q About what size farm?
A It was a small place.
Q Did you dispose of it in '74?
A Yes sir.
Q To whom?
A To George Starr.
Q Did you have any children born when you went back to Georgia?
A Yes sir.
Q Did you go to visit your folks or your wife's folks?
A My folks.
Q What did you do the four or five years you were in Georgia?
A I run a blacksmith shop and a little country store.
Q You went in the mercantile business did you?
A Yes sir.
Q And also conducted a blacksmith shop?
A Yes sir.
Q It was your mercantile business?
A Yes sir.
Q And your blacksmith shop?
A Yes sir.
Q In the State of Georgia?
A Yes sir.
Q And you continued to do that until about '79?
A Yes sir.
Q And then you returned to this country?
A Yes sir.
Q You had no home in this country during that time?
A No; I had no place here.
Q You spoke of leaving some effects here?
A Yes sir.
Q What effects?
A Some household furniture and some bedding and some other things.
Q With whom?
A My father-in-law; old man Brown.
Q You went back to Georgia by wagon?
A No sir.
Q Where did you take the train?
A At Altus, Arkansas; that was the terminus of the road then.
Q What became of this household furniture?
A It was there when I returned from Georgia.
Q That was such as you couldn't very conveniently take with you?
A That was it.
Q Did you buy you a place in Georgia?
A No sir.
Q Did you buy a house?
A No sir.
Q Rent one?
A No sir.
Q But you bought you a mercantile store?
A No, I just bought a small affair there to pay my expenses while I was there. The property, I rented. I rented a wagon yard and there was a blacksmith shop on the place and a store there. The man had about $150 worth of goods.
Q You stayed there five years?

A I went there in the fall of '74 and came back here in the fall of '79.
Q Were you ever married prior to the time you married your wife, Mary A. Thompson?
A No sir.
Q What relative lived near you in Georgia?
A My brother.
Q Your father living?
A No sir.
Q When did he die?
A He died the year I came back here from Georgia; '79.
Q Your mother survived your father?
A No, she's been dead for 40 odd years.
Q Had your father been sick any length of time when he died or did he die of some disease?
A He died suddenly.
Q Are you on the 1880 roll?
A I think so.

The original marriage records, Flint District, Cherokee Nation, book "B" in possession of this office, show that on April 1, 1869, a license was issued by James W. Adair, district clerk Flint District, authorizing the marriage of Robert H. F. Thompson, a citizen of the United States, and Mary Cowart, a Cherokee by birth, and that said parties were united in marriage in accordance with the terms of said license April 1, 1869, by W. A. Duncan, Minister of the Gospel.

The undersigned being first duly sworn states that as stenographer to the Commission to the Civilized Tribes, she correctly recorded the testimony taken in this case and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Myrtle Hill

Subscribed and sworn to before me this the 8th day of January, 1907.

John E. Tidwell
Notary Public.

G.F.B. Cherokee 6571.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ROBERT H. F. THOMPSON as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on December 13, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Robert H. F. Thompson as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, October 6, 1902, and at Muskogee, Indian Territory, January 7,1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Robert H. F. Thompson, a white man, was married in accordance with Cherokee law April 1, 1869, to his wife, Mary A. Thompson,nee Cowart, a recognized citizen by blood of the Cherokee Nation; that the said Mary A. Thompson died in 1870, and in 1874 the applicant herein was lawfully married to Narcissa Thompson, nee Brown, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, and who is identified on the Cherokee authenticated tribal roll of 1880, Flint District, No. 1352, as a native Cherokee; that subsequent to said marriage the said Narcissa Thompson removed, with her said husband, to the State of Georgia, where they continuously resided for a period of about four years, and during which time they neither owned nor controlled any property in the Cherokee Nation.

Section 2, Article 1, of the Cherokee Constitution, in part provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

It is further shown that after their return to the Cherokee Nation, in the year 1879, the said Narcissa Thompson was readmitted to citizenship in said Nation by the duly constituted authorities thereof December 10, 1879, no mention being made in said act of readmission of the applicant, Robert H. F. Thompson.

In view of the foregoing, it is considered that the applicant herein, Robert H. F. Thompson, forfeited, under the provisions of Section 2, Article 1, of the Cherokee Constitution above noted, by reason of his removal from the Cherokee Nation and his continued residence in the State of Georgia for a period of four or five years,

Opy

any right that he may have possessed to citizenship in the Cherokee Nation; and that he acquired no right to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of the readmission to citizenship in the Cherokee Nation of his wife, the said Mareissa Thompson, December 10, 1879.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Robert H. P. Thompson, is not entitled, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 22 1907

C.F.R.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ROBERT H. F. THOMPSON as a citizen by intermarriage of the Cherokee Nation.

An examination of the records of the Cherokee Nation in the possession of this office of persons admitted to Cherokee citizenship by the National Council and the Supreme Court of the Cherokee Nation since the Treaty of 1866 shows that Mrs. Nareissa Thompson, Jesse, Andrew L., Robert H., Hattie E. and James C. Thompson, wife and children of the applicant herein, Robert H. F. Thompson, were admitted to citizenship in the Cherokee Nation December 10, 1879.

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of Robert H. F. Thompson as a citizen by intermarriage of the Cherokee Nation.

(SIGNED) Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 22 1907

Copy

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee No. 6571

Muskogee, Indian Territory, September 25th, 1902.

Robert H. F. Thompson,

Kansas, Indian Territory.

Dear Sir:

The Act of Congress, approved July 1, 1902, and entitled ''An Act To provide for the allotment of the lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes,'' (Public No. 241), provides that ''the roll of citizens of the Cherokee Nation shall be made as of September first, nineteen-hundred and two.''

In accordance with said provision, you are hereby notified that the Commission to the Five Civilized Tribes will be at its offices at Muskogee, Indian Territory, until Friday, October 31, 1902, inclusive, for the purpose of affording you an opportunity to show that you have not, between the date of the original application for your enrollment and Sept 2, 1902, forfeited your right as a citizen by intermarriage of the Cherokee Nation.

This evidence should be introduced immediately, as it is necessary in determining your right to share in the allotment of the lands of the Cherokee Nation, and until the same is furnished no further action can be taken looking toward your final enrollment as an intermarried citizen.

Yours truly,

Acting Chairman.

Cherokee
6571

Muskogee, Indian Territory, December 27, 1906.

Robert H. F. Thompson,

Chance, Indian Territory.

Dear Sir:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are therefore directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

E.W.

Acting Commissioner.

Cherokee 6571

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, rejecting the application for the enrollment of Robert H. P. Thompson, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl. A-76
RA

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Robert H. F. Thompson as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 22, 1907, denying said application.

Respectfully,

Commissioner.

Encl.A-77
RA

Through the Commissioner
of Indian Affairs

Cherokee 6571

Muskogee, Indian Territory, February 22, 1907.

Robert H. P. Thompson,

Rew, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-75
RA

Register.

D.C.12347-1907

J.P.

W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7760-1907.
7982- "

March 4, 1907.

LRE

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

By letter of this date, the Department affirmed your decision in the matter of the application of Robert H. F. Thompson for enrollment as a citizen by intermarriage of the Cherokee Nation. Your decision was adverse to applicant.

It appears from your telegram of March 4, 1907, filed in the Department this day, that Thompson was denied enrollment by you because of alleged forfeiture by removal from the Cherokee Nation for four years prior to 1880.

You state that your decision in the Thompson case does not show 1880 enrollment, but records show such enrollment.

Following the opinion of the Attorney-General in the John W. Gleason case, copy of which has been sent you, and the decision of the Department in the case of Jacob H. Bartles, the decision of the Department adverse to Thompson of March 4, 1907, is rescinded and his application for enrollment is granted.

His name will be placed upon the proper roll by your representative here.

A copy hereof has been sent to the Indian Office.

Respectfully,
(Signed) Jesse E. Wilson,
Acting Secretary.

Copy hereof to Ind. Of.
AFMc
3-4-07

D.C. 13378-1907. Y.P.

W.H.M.

DEPARTMENT OF THE INTERIOR,

I.T.D. 7730, 7738-1907.
7760, 7762- " WASHINGTON.

L.R.S. March 4, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed herewith:

Title of Case.	Date of your letter of transmittal.
Christina Foster (freedman),	February 23, 1907.
Theodore R. Vann (freedman),	February 27, 1907.
Alburton Brown (intermarriage),	February 23, 1907.
James A. Nolen (intermarriage),	February 27, 1907.
Jackson Kelly (intermarriage)	February 27, 1907.
Sarah J. Harlan (intermarriage),	February 27, 1907.
Amanda M. Keys (intermarriage),	February 20, 1907.
Robert H. F. Thompson (intermarriage),	February 22, 1907
Nancy M. Jack, et al. (citizens),	February 25, 1907.
Fannie M. Elliott, et al (by blood)	February 26, 1907.

0/17

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Copy of Indian Office letter forwarding the first two cases will be found with the Mollie Owen, Chickasaw, case.

Respectfully,

E. A. Hitchcock

Secretary.

3 enclosures, and
20 enclosures to Ind. Of.,
with copy hereof.

W C F
3/5/07.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
19618-1907
19619-1907.

March 5, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are enclosed two reports from Commissioner Bixby, one dated February 20, 1907, transmitting the record relative to the application of Amanda E. Keys for enrollment as an intermarried citizen of the Cherokee Nation, and the other transmitting the record relative to the application of Robert H. W. Thompson for enrollment as an intermarried citizen of said nation, together with the Commissioner's decisions denying the applications.

The records have been examined and the decisions of the Commissioner have been found to be correct. Their approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

Cherokee
6571.

Muskogee, Indian Territory, March 19, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, rejecting the application for the enrollment of Robert H. F. Thompson, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.C-100
LMC

Cherokee 6571

COPY

Muskogee, Indian Territory, March 19, 1907.

Robert H. F. Thompson,

Chance, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.H-38
JMH

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Naiéon of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Dovie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-FHE

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary.

I.T. References
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Dovie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert M. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-FHE.

Cherokee
I.W. 250

Muskogee, Indian Territory, May 25, 1907.

Robert H. W. Thompson,
Chance, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-16
LMC

Cherokee
255 et al.

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

Cher IW 251

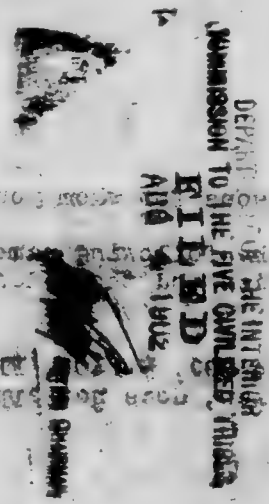
Cher IW 251

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNSWITT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

JAMES STARR, being duly sworn and examined by the Commission, testified as follows:

Q. What is your name? A. James Starr.
Q. What is your post office address? A. Tahlequah, I. T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. I am.
Q. For what do you desire to make application for enrollment?
A. As the following named persons on the 1896 Cherokee roll, the children and descendants:



Q. Are any other persons known or desire to make application for enrollment?
A. I desire to apply for the following named persons on the 1896 roll, their ancestors:

Q. A. Tolan, Agent Cherokee Nation Department, when called upon to testify, does so upon oath. P. O. Hewell, notary public, being duly sworn and examined, testified as follows:

P. O. Hewell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

P. O. Hewell

Subscribed and sworn to before me this 2 day of August, 1902.

R
Order D 1[illegible]

C[illegible]

[illegible]

for [illegible]

[illegible] sworn and examined by the Commission,

Q What is your name ? A [illegible] Starr.
Q What is your age ? A [illegible] one years.
Q What is your post office address ? A [illegible] Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

E. A. Wells, [illegible] Wheeler; M. Waite.
Note: [illegible] F. C. Rogers. Married a man named Wright".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings taken in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]

E C M

Cherokee D-1786.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of E.A.Welch as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902 application was received by the Commission to the Five Civilized Tribes for the enrollment of E. A. Welch as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, E. A. Welch, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one John E. Welch, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Flint District opposite No.1405, as an adopted white. It is further shown that the said E. A. Welch and John E. Welch thereafter separated, and that since said separation the said E. A. Welch has married a non-citizen of the Cherokee Nation.

In view of the foregoing it is considered that said applicant, by reason of her marriage to a non-citizen of the Cherokee Nation, forfeited whatever right she may have acquired to enrollment as a citizen by intermarriage of the Cherokee by reason of her marriage to John E. Welch.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, E. A. Welch, is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this FEB 19 1907.

Cherokee D-1786.

Muskogee, Indian Territory, December 4, 1902.

John E. Welch,

Edna, Kansas.

Dear Sir:

There appears upon the 1880 authenticated roll of citizens of the Cherokee Nation the name of one E. A. Welch, aged at that time twenty-six years, enrolled with you.

You are requested to advise the Commission whether or not the said E. A. Welch is living, and, if so, to furnish her present name and post office address.

Respectfully,

Signed Tams Bixby,

Acting Chairman.

Env.

Coffeyville Kans
Dec 23rd/902

Hon L. B. Bell
Muskogee.

Dear Sir
I stroughl-
I would write you
a few lines this mor-
-ning, The Commission
wanted to know where
the address of E. A.
Walch, who was enro-
-lled on the Rolls of
1880, was, This woman
was then my wife. -
In 81 (I think) She
was Divorced from
me, in Flint District

Hon Steve Tekee was the presding Judge at that time.

Soon after this woman was Divorced from me, She married William Wright, who ran a Black Smith Shop on the Old George Slaw farm, in Flint District and now living at the Saline Court House.

Rose is then Post Office.

I called your attention to this fact thinking perhaps, you might know

something in regard to the matter yourself. Could think be any thing else needed in regard to my wife and children being involved, please inform me, and I will take it as a great favor.

Respectfully
your friend
J. C. Walch
Hudson
L. I.

Cherokee D-1786.

Vinita, Indian Territory, January 3, 1903.

John E. Welch,

Edna, Kansas.

Dear Sir:-

When you appear before the Cherokee Land Office of this Commission at Vinita, Indian Territory, for the purpose of selecting your allotment as a citizen of the Cherokee Nation, you are requested to present yourself before the Enrollment Division of said office for the purpose of giving testimony as to the present status as a citizen of the Cherokee Nation of your former wife, E. A. Welch, whose name appears with yours on the 1880 authenticated roll of citizens of the Cherokee Nation.

Respectfully,

Acting Chairman.

R.P.

COPY

Cher. D-1786.

Tahlequah, Indian Territory, November 4, 1903.

Mrs. E. A. Wright,

Rose, Indian Territory.

Dear Madam:-

Application has been made to this Commission for the enrollment as a citizen by intermarriage of the Cherokee Nation, of one E. A. Welch, who appears on the tribal roll of 1880 in Flint District as an adopted white.

The Commission has information that you are the person whose name appears on that roll and that you separated from your Indian husband and married one William Wright, a white man. Please advise the Commission whether this information is correct. If you desire to introduce any testimony in support of the application which has been made for your enrollment, you may do so at the offices of the Commission at Tahlequah, Indian Territory, at any time within the next sixty days.

Unless we hear from you within that time the Commission will be at liberty to assume that you have forfeited your citizenship under the Cherokee lease by marriage to a white man, and that you do not intend to apply for enrollment.

Respectfully

C. R. Breckenridge
Commissioner in Charge
Cherokee Land Office.

JOC.

26. 1786.

[illegible]

To the Commission-
of the five civilized
tribs in answer to
your question I am
the person who's
name a[illegible] on
[illegible] and
that is separated
from [illegible] which
and [illegible]
a white man and
forfited my citizen

Ship & haven't made
any apply cation
for enrolement
what ever now I would
be glad if you would
would inform me
how I shall file
application.

Yours Resp.

E. A. Wright

INDEXED.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
301			
1904	JAN 4 1904		

Cherokee Land Office,
Tahlequah, I.T.
Jan. 4, 1904.

Transmits, for appropriate action, record in application of E.A. Welch for enrollment as an intermarried Cherokee.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D 1786.

Tahlequah, Indian Territory, January 4, 1904.

Commission to the Five Civilized Tribes,

(Cherokee Division)

Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith for your consideration and appropriate action the record, together with the original card, in the matter of the application for the enrollment of E. A. Welch as a citizen by intermarriage of the Cherokee Nation, Cherokee D 1786.

This applicant admits in her letter of November 4, 1903, that she has married a white man since the separation between her and her husband, John E. Welch, and that she thereby forfeited her citizenship.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

EGR.

Enc. 7.

COPY.

Cherokee-D-1786-
1787.

Muskogee, Indian Territory. January 28, 1905.

John E. Welch,

Edna, Kansas.

Dear Sir:

Applications have been made to this Commission for the enrollment, as citizens of the Cherokee Nation, of E. A. Welch and Loo Welch, who, if living, are about 50 and 37 years of age, respectively. Their names appear upon the 1880 Cherokee Tribal Roll, Flint District. Perhaps they are members of your family.

If you know whether they are living, please inform the Commission of their present whereabouts, giving their post office address and such other information as you may have, in order that proper steps may be taken to determine their right to enrollment.

As this matter is very important, please give it your immediate attention.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Cherokee
D 1786

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of E. A. Welch as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-87

RA

Muskogee, Indian Territory, February 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of M. A. Welch as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 19, 1907, denying said application.

Respectfully,

Commissioner.

Encl.A-38
RA

Through the Commissioner
of Indian Affairs.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 1786

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

E. A. Welch,

Rose, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.A-86
RA

Register.

Refer in reply to the following: Copy.
Land.
18386-1907.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 19, 1907, enclosing the record in the matter of the application of E. A. Welch for enrollment as a citizen by intermarriage of the Cherokee Nation, including his decision of the same date denying the application.

The record shows that the applicant is a white woman who at one time was married to John E. Welch, a Cherokee by blood, but that she was separated from him and later married a non-citizen white man. The record further shows that she admits forfeiting her right to citizenship, and says that she made no application for enrollment. It is shown that the application was made by Emmet Starr, apparently without her knowledge or authority. The Office concurs in the Commissioner's decision denying the application and recommendation that it be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE.

Y.P.

DEPARTMENT OF THE INTERIOR,

O.K.

WASHINGTON.

LRS.
D.C.12638-1907.
ITR.5702, 5864,6070,6082,
6088,6090,6100, 6102,
6106,6122,6156, 6172,
6248,6524--1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of Your Letter of Transmittal.
E. A. Welch,	February 19, 1907.
Belle Harlin,	February 9, 1907.
Claud L., and Martha M. Washbourne,	February 16, 1907.
George W. Evans et al.,	February 12, 1907.
Joe Iney Bell (Freedman),	February 19, 1907.
Clara Ross (Freedman),	February 18, 1907.
Russel and Herman Hill (Freedmen),	February 18, 1907.
George Brown (Freedman),	February 18, 1907.
James and Mary L. Huston (Freedmen),	February 19, 1907.
Addie E. Rogers (Freedman),	February 14, 1907.
Liddy S. Thompson,	February 8, 1907.
Mary Ann Divers et al. (Freedmen),	February 11, 1907.
Esau and Johnie Ross (Freedmen),	February 15, 1907.
Ralph Elliott,	February 13, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,
Jesse E. Wilson
Assistant Secretary.

14 inc. and 28 inc.
for Indian Office.

A. F. Mc.
3-2-07.

D.C.12343-1907

J.P.
RJN

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.7988-1907.

March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

It appears from your telegram of March 2, 1907, filed in the Department March 4, 1907, that E. A. Welch, applicant for enrollment as a citizen by intermarriage of the Cherokee Nation, is upon the 1880 roll. You state that in your decision of February 19, 1907, "married out date not given in decision but eighteen hundred and eighty enrollment and records show second marriage subsequent to eighteen hundred and eighty." You express the opinion that possibly this applicant may be entitled to enrollment under the John W. Gleason case.

The record has been returned to the Indian Office, and that is closed at this hour. Apparently the party is entitled to enrollment under the opinion of the Attorney General in the John W. Gleason case, and the decision of the Department in the Jacob Bartles case. The decision of the Department, adverse to the applicant, is rescinded, and his enrollment will be made by your representative here.

Respectfully,

(Signed) Jesse E. Wilson,
Acting Secretary.

Carbon copy
to Indian Office.

AFMc
3-4-07

Cherokee D-1786

COPY

Muskogee, Indian Territory, March 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for the enrollment of E. A. Welsh as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl.H-108
JMH

REFER IN REPLY TO THE FOLLOWING:
Cherokee D-1786

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 12, 1907.

E. A. Welch,

Rose, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-107
JMH

Cherokee D1784

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of E. A. Welch as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Wnc L-604

KPI

C7B

REFER IN REPLY TO THE FOLLOWING:

Cherokee D1786

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1907.

E. A. Welch,

Rose, Indian Territory.

Dear Sir:

You are hereby advised that the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc I-605

RPI

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Dovie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry,
42885- "	Martha Randolph, now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson
42889- "	Mattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

AJW-FHE.

May 13, 1907

Approved.

Thos Ryan

First Assistant Secretary.

I. T. references in
body of letter.

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A . Jordan
42881- "	Devie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-FHE.

Cherokee
253. et al

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

REFER IN REPLY TO THE FOLLOWING:
Cherokee
I.W. 251

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 25, 1907.

E. A. Welch,

Rose, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-19
LMC

Muskogee, Oklahoma, January 7, 1909.

Subject:
Correction of Cherokee
roll as to sex of E. A.
Welch.

The Honorable,

The Secretary of the Interior.

Sir:

E. A. Welch appears upon the approved roll of citizens by intermarriage of the Cherokee Nation opposite No. 251 as a male, whereas the record in her case shows that she is a female.

The enrollment of E. A. Welch was directed by the Department on the day the Cherokee roll was closed, March 4, 1907, and the schedule containing her name was prepared by an employe of this office then assigned to duty in your office, and this error is doubtless due to the rush of work incident to the closing of the tribal rolls on that day.

It is respectfully recommended that the sex of E. A. Welch as it appears upon the approved roll of citizens by intermarriage of the Cherokee Nation be corrected by changing

opposite her name at No. 261, in the column marked "Sex" the letter "M" to the letter "F," and that the Office of Indian Affairs and this office be authorized to make such correction upon the copies of said roll in their possession.

Respectfully,

JOR(LS) Acting Commissioner.

Through the

Commissioner of Indian Affairs.

1-7539

Land
2563-1909.
G R

J.F.Jr.
C.D.

Subject:
Correction of designation of sex of E.A. Welch.

January 22, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit a communication from the Acting Commissioner to the Five Civilized Tribes, dated January 7, 1909, requesting that authority be granted to correct the designation of sex from "M" to "F" as appears opposite the name of E. A. Welch, No. 251 on the approved final roll of Citizens by Intermarriage of the Cherokee Nation. The erroneous enrollment of E. A. Welch as to her sex, was due to the rush of work incident to the closing of the Cherokee tribal rolls on March 4, 1907.

In view of the authority of the Secretary to make such corrections as expressed in Indian Office letter of August 15, 1908, Land 24218, approved by the Department on August 17, 1908, this Office concurs in the request of the Acting Commissioner that the above correction of the designation of the sex of E. A. Welch be made as requested upon the copy of the roll of intermarried Cherokees in the posses-

L-2563-2

sion of the Secretary of the Interior, the Indian Office and the Commissioner to the Five Civilized Tribes.

Very respectfully,

(Signed) R. W. Valentine
Acting Commissioner.

MOC-16.

January 22, 1909.

APPROVED:

(Signed) Jesse E. Wilson
Assistant Secretary.

83-1909.

Land
2563-09
G R

1 inclosure.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, D.C., Jan 25, 1909.

Respectfully referred to the Commissioner to the Five Civilized Tribes, for appropriate action.

(Signed) John Fennis Jr.

Acting Chief Land Division.

PRYOR CREEK, IND. T.
APR 4
6 PM
1907
REC'D

PRYOR CREEK, IND. T.
MAR 22
6 AM
1907
REC'D

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

E. A. Velor,

Rose, Indian Territory

ARRAVOR CREEK, IND.
APR 4 6 PM 1907
REC'D.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Return to
[illegible]
that none
cannot be found

[illegible]

[illegible]

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

NCREEK, IND. T.
JUL 1 1 1900
RECEIVED

APPROVED

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

W. A. Welch,

Rose, Indian Territory.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Cannot be found
Clerk

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Cher IW 252

Cher IW 252

FILED
AUG 4 1902

R
Cher

[illegible]

[illegible]
Commission to the Five Civilized Tribes,
[illegible], I. T., June 30, 1902.

In the matter of the application of JAMES BULLITT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible] Starr.
Q What is your age ? A Thirty two years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Randolph, [illegible], [illegible], Delaware District;
Ad. [illegible];
[illegible] Married [illegible]; P. O. [illegible].

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

R.
Cher. D-1854.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of MARTHA RANDOLPH as a citizen by intermarriage of the Cherokee Nation.

JOHNSON SPADE, being first duly sworn, and being examined, testified as follows, through official interpreter S.R.Walkingstick:

BY COMMISSION: What is your name? A Johnson Spade.
Q How old are you? A Sixty-nine.
Q What is your post office address? A Stilwell.
Q You are a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Do you know Martha Randolph, a white woman? A yes sir.
Q She is a woman now about fifty-eight years of age? A Yes sir.
Q Do you know her post office address? A No, I don't.
Q Do you know her whereabouts? A Could nlt state exactly. They left the district, and then went to Delaware District, where her son lives.
Q Was Martha Randolph at one time married to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What was the name of her Cherokee husband? A She came from Flint District, near Evansville. I knew her husband, but can't recall his name just now. After she moved over into Goingsnake District, that was after the death of her Cherokee husband, after the death of her Cherokee husband, she married again.
Q Did she marry a Cherokee by blood? A No sir.
Q She married a non -citizen? A Yes sir.
Q Do you know the name of her last husband? A Kernan.
Q About when was it that she married Kernan? A It must have been prior to 1890. I don't know just when exactly.
Q Have she and her husband Kernan lived together since their marriage? A Yes sir, they lived together until he died. He was killed.
Q Do you know whether Martha Kernan has married since the death of her hu band Kernan?
A No, I don't know as to that.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicatn identified thereon as follows:

Page 466, #1377, Martha Randolph, Goingsnake District, age 36.
Note: Married out
Witness: Post office is Foyil.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 2d day of September, 1902.

John O'Reason
Notary public.

Copy

E C M

Cherokee D-1854.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARTHA RANDOLPH, now KERNAN, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, August 18, 1902 application was received by the Commission to the Five Civilized Tribes for the enrollment of Martha Randolph as a citizen by intermarriage of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Martha Kernan, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to a recognized citizen by blood of the Cherokee Nation; that the name of said Cherokee husband cannot be identified on any of the rolls of this office, but the said applicant is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No.1377 as "Martha Randolph", an adopted white. It is further shown that after the death of her said Cherokee husband and prior to September 1, 1902 the said Martha Randolph was married to a non-citizen of the Cherokee Nation.

In view of the foregoing it is considered that the said Martha Randolph, by reason of her marriage to a non-citizen of the Cherokee Nation, forfeited whatever right she may have acquired to enrollment as a citizen by intermarriage of the Cherokee Nation by reason of her marriage to a recognized citizen by blood of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125, 126, 127 and 128, the said applicant, Martha Kernan, is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory

this _____.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee

REFER IN REPLY TO THE FOLLOWING

Cherokee-D-1854.

Muskogee, Indian Territory. January 28, 1905.

Martha Kerman,

Foyil, Indian Territory.

Dear Madam:

In the matter of the application which has been made to this Commission for your enrollment as a citizen of the Cherokee Nation, you are advised that, before the Commission can render its decision in the matter of said application, it will be necessary that you appear in person before the Commission, at Muskogee, Indian Territory, and testify relative to your Cherokee citizenship.

As this matter is very important, you should give it your immediate attention.

Respectfully,

Chairman.

Cherokee
D-1854

COPY

Muskogee, Indian Territory, February 26, 1907.

Martha Kernan,

Foyil, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the matter, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-118
JMH

Register.

Cherokee D-1854

COPY

Muskogee, Indian Territory, February 26, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, rejecting the application for the enrollment of Martha Randolph, now Kernan, as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-119
JMH

COPY

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Martha Randolph, now Kernan, as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner, dated February 26, 1907, denying said application.

Respectfully,

Encl.H-20
JMH

Commissioner.

/ V

D.C.13138-1907. J.P.

DEPARTMENT OF THE INTERIOR, RJH

WASHINGTON.

I.T.D.7982-1907. March 4, 1907.

DIRECT.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

It appears from your telegram of the 2nd instant, received on the 4th instant, that Martha Randolph, now Kernan, applicant for enrollment as an intermarried citizen of the Cherokee Nation, is on the 1880 roll. You inform the Department that in your decision of February 26th "married out date not stated but eighteen hundred and eighty enrollment indicates that second marriage must have been subsequent to eighteen hundred and eighty. You consider that possibly this applicant is entitled to enrollment.

The record in her case is not before the Department, it having been returned to the Indian Office, and that office is closed at this hour. It would seem that the party is entitled to enrollment under the opinion of the Attorney-General in the John W. Gleason case, and also the decision of the Department in the case of Jacob Bartles.

The decision of the Department, adverse to her, is rescinded, and she will be enrolled as a citizen by intermarriage of the Cherokee Nation by your representative here.

Respectfully,

(Signed) Jesse E. Wilson,
Acting Secretary.

Carbon copy hereof to
Indian Office.

WCF
3/5/07

Cherokee D1884 COPY

Muskogee, Indian Territory, March 21, 1907.

Martha Kernan,

Foyil, Indian Territory.

Dear Madam:

You are hereby advised that the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-609

RPI

Cherokee D1884

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Martha Randolph, now Kernan, as a citizen by intermarriage of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Enc I-608

RPI

GAW

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 11, 1907.

I.T.
References in body
of letter.

Subject: Motions for
review in certain Cherokee citizenship cases.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for review and rehearing of Departmental decisions authorizing the enrollment as citizens by intermarriage of the Cherokee Nation of the following persons:

42893-1907,	Jacob A. Bartles,
42895- "	Osburn J. Byrd,
42886- "	Amanda Beck,
42894- "	Sarah F. Gage,
42892- "	Phirena Harris,
42888- "	Daniel Harmon,
42891- "	Emma L. Ironsides,
42896- "	Sarah A. Jordan,
42881- "	Dovie Johnson,
42882- "	Andrew H. Norwood,
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan,
42897- "	John W. Smith,
42884- "	John J. Smith,
42890- "	Robert H. F. Thompson,
42889- "	Hattie Wright,
42883- "	Nancy Wolfe,
42880- "	E. A. Welch.

In view of the provisions of section 2 of the act of April

26, 1906 (34 Stat. L., 137), providing that the rolls of the Five Civilized Tribes shall be fully completed on or before March 4, 1907, there appears to be no authority in law for the reconsideration of any enrollment cases at this time, and it is recommended that the office be authorized to advise Mr. Hastings that the motions for review herewith transmitted cannot be considered.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-FMH

May 13, 1907.

Approved.

Thos Ryan

First Assistant Secretary.

I.T. References
in body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

GAW

May 15, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed copy of Office letter of May 11, 1907, approved by the Department on May 13, 1907, recommending that motions filed by W. W. Hastings, National Attorney for the Cherokee Nation, praying for a review and rehearing of Departmental decisions authorizing the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, be denied, in view of the fact that there appears to be no authority in law at this time for the reconsideration of any enrollment case.

42893-1907	Jacob A. Bartles
42895- "	Osburn J. Byrd
42886- "	Amanda Beck
42894- "	Sarah F. Gage
42892- "	Phirena Harris
42888- "	Daniel Harmon
42891- "	Emma L. Ironsides
42896- "	Sarah A. Jordan
42881- "	Dovie Johnson
42882- "	Andrew H. Norwood
42887- "	Stacy E. Perry
42885- "	Martha Randolph, now Kernan
42987- "	John W. Smith
42884- "	John J. Smith
42890- "	Robert H. F. Thompson
42889- "	Hattie Wright
42883- "	Nancy Wolfe
42880- "	E. A. Welch

You are requested to advise the interested parties, including Mr. Hastings, of the Department's action.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

AJW-FHE.

Cherokee
I.W.252.

Muskogee, Indian Territory, May 25, 1907.

Martha Kernan,

Foyil, Indian Territory.

Dear Madam:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied a motion filed by the Attorney for the Cherokee Nation, for a review of its decision authorizing your enrollment as a citizen by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-13
LMC

Cherokee
253 et al.

Muskogee, Indian Territory, May 25, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on May 13, 1907, the Secretary of the Interior denied the motion filed by you for a review of its decision authorizing the enrollment of Jacob A. Bartles, et al., as citizens by intermarriage of the Cherokee Nation.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-20
LMC

MUSKOGEE
FEB 28
7 AM
1906

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND. T.
JAN 28
5 -- P.
1905

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Martha Korman,

Foyil, Indian Territory.

Telegram
Received

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Please Acknowledge

General Office
Cherokee Div.

MUSKOGEE, IND. T.
JAN 28
5 — P.
1905

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

~~Martha Kerman,~~

~~Foyil, Indian Territory.~~

EMPTY

Cher IW 254

Cher IW 254

2829

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 12 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Pryor Creek, I.T., September 11, 1900.

In the matter of the application of John A. Raper for the enrollment of himself as a Cherokee by blood and his wife as a Cherokee by intermarriage: being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A John A. Raper.
Q How old are you? A 64 years of age.
Q What is your post office? A Chouteau.
Q What district do you live in? A Coowescoowee district.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood? A Well, sir, I can't tell you just exactly what it is, about 1/16 I guess.
Q For who do you apply, who do you want to enroll? A Myself and wife.
Q No children? A I haven't got any minor children.
Q What is the name of your wife? A Mary Ann.
Q She a citizen by blood? A Yes, sir.
Q When did you marry her? A In 1868.
Q She now living? A Yes, sir.
Q How old is she? A She is 5[illegible] years old.
Q You have got no children under 21 years of age at home? A No, sir.
(On 1880 roll, page 166, No. 2459, John A. Raper, Coowescoowee district. Mary Ann Raper on 1880 roll, page 136, No. 2460, Mar M. A. Raper, Coowe scoowee district. On 1896 roll, page 236, No. 3852, John A. Raper, Coowe scoowee district. Mary Ann Raper on 1896 roll, page 331, No. 821, Mary A. Raper, Coowescoowee dist.)

The name of John A. Raper appears upon the authenticated roll of 1880, and also upon the census roll of 1896, and the name of his wife, Mary Ann, appears upon the authenticated roll of 1880, as M. A. Raper, and on the census roll of 1896, and they being both duly identified according to page and number of said roll as indicated in the testimony, and satisfactory proof having been made as to their residence, and John A. Raper and his wife, Mary Ann, will be duly listed for enrollment by this Commission as Cherokee citizens by blood.

-----o-----

Bruce C. Jones, being duly sworn, says that he as stenographer to the Commission to the Five Civilized Tribes has correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of September, 1900.

C. R. Needles
Commissioner.

Copy

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1900
2529

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 11 1900 1900.

Name John A. Raper

District COOWEESCOOWEE. Year 1880 Page 166 No. 2459

Citizen by blood Yes 1/16 Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Mary A. Raper

District COOWEESCOOWEE. Year 1880 Page 166 No. 2460

Citizen by blood Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

2 on 1880 roll as M. A. Raper

#2529

COMMISSION [illegible]

[illegible]

OCT [illegible] 1902

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 1, 1902.

[illegible]

[illegible]

[illegible]

Cherokee 2529.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 7, 1902.

In the matter of the application of John A. Raper for the enrollment of himself as a citizen by blood, and for the enrollment of his wife, Mary A. Raper, as a citizen by intermarriage of the Cherokee Nation; Mary A. Raper, being sworn and examined by the Commission, testified as follows;

Q What is your name? A Mary A. Raper.
Q What is your age at this time? A Fifty-six as near as I can guess at it.
Q What is your postoffice? A Chewtesu.
Q Are you the same Mary A. Raper for whom application was made to this Commission for enrollment as an intermarried citizen on September 11, 1900? A Yes sir.
Q What is your husband's name? A John A. Raper.
Q Is he a Cherokee by blood? A Yes sir.
Q When were you and John A. Raper married? A We were married in '68.
Q Were you ever married prior to your marriage to John A. Raper?
A No sir.
Q Was he ever married before you and he were married? A No sir.
Q Have you and John A. Raper lived together all the time as husband and wife from 1880 up to the present time? A Yes sir.
Q Never been separated during that time? A No sir.
Q And you never have been married to any other man since you married John A. Raper? A No sir.
Q Were you and John A. Raper living together as husband and wife on the first day of September, 1902? A Yes sir.
Q Have you and your husband, John A. Raper, both lived in the Cherokee Nation all the time since 1880 up until the present time? A Yes sir.
Q Neither you nor John A. Raper have lived outside of the Cherokee Nation since 1880, have you? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. G. Rothenberger

Subscribed and sworn to before me this 31st day of October, 1902.

T. B. Jones
Notary Public.

Copy

Cherokee No. 2529.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 3, 1907.

In the matter of the application for the enrollment of Mary A. Raper as a citizen by intermarriage of the Cherokee Nation.

Mary A. Raper, being first duly sworn and examined, testifies as follows:

BY THE COMMISSIONER:

Q What is your name. A. Mary A. Raper.
Q. How old are you? A I am some wheres in 60.
Q What is your Post Office address? A Choutau.
Q Do you claim rights by intermarriage to the Cherokee Nation.
A Yes, sir.
Q Through whom do you claim your intermarriage rights? A John A Raper.
Q When were you married to him? A 1869.
Q What date in 1869? A I don't know.
Q Wave you ever married before you married John A. Raper? A No, sir.
Q Was he ever married before he married you? A No, sir.
Q Have you lived together continuously since the time of your marriage in 1869 up to the present time? A Yes, sir.
Q Where were you married? A North Carolina.
Q Have you any documentary proof of your marriage in 1869?
A No, sir, we haven't get any cirtificate.
Q Who married you? A A may by the name of Walker. A Baptist preacher.
Q How long did you live in North Carolina after your marriage?
A About three years, and then we come here.
Q When was your husband first admitted to a citizenship in the Cherokee Nation?A.I couldn't tell you.

The ap licant is identified on the 1880 Cherokee Roll opposite No. 2460. Her husband through whomshe claims her rights as an intermarriage citizen is identified on said roll opposite No. 2459. He is also identified on the final roll of the citizens by blood of the Cherokee Nation opposite No. 23383.

WITNESS EXCUSED

John A. Raper, being first duly sworn and examined, testified as follows:

BY THE COMMISSIONER:

Q What is your name? John A. Raper.
Q. Howold are you? A 70 years old.
Q What is your Post Office address? A Choutau.
Q Are you acquainted with Mary A. Raper? A Yes, sir.
Q What relation do you bear to her? A Man and wife.

Copy

Q When were you married? A In 1869.
Q Where were you married? A In North Carolina.
Q How long did you live in North Carolina after your marriage?
A I come west here in '70.
Q When were you admitted to citizenship in Cherokee Nation?
A I think it was in '71, I won't be sure.
Q How were you admitted? A I went before a man by the name of Vann - Judge Vann.
Q Have you got a decree of the Court admitting you? A No, sir, never did give me none.
Q When did you first vote in the Cherokee election? A I don't remember when I did vote first. Been voting ever since I've been here. My first vote was cast for Chief Ross.
Q Did you make an application for citizenship immediately after you came here in 1870? A Yes, sir, just before the new year, or right after it.
Q Was it immediately granted? A Yes, sir.
Q Were you ever married before you married Mary A. Raper? A No, sir.
Q Have you lived together continuously as husband and wife since your marriage in 1869? A Yes, sir.
Q Were you ever placed on any of the Cherokee rolls prior to 1880? A I have been on the rolls ever since I have been here. Every roll that has ever been taken.
Q Is there any body here to-day that knows you? A Mr. Hayden.

WITNESS EXCUSED.

Clement Hayden, being first duly sworn and examined, testifies as follows:

BY THE COMMISSIONER:

Q. What is your name? A Clement Hayden.
Q How old are you? A 60 years old.
Q What is your Post Office address? A Chouteau.
Q Are you a citizen or non-citizen of the Cherokee Nation?
A I am an adopted citizen.
Q Do you know John Raper? A Yes, sir.
Q How long have you known him? A 20 or 25 years.
Q Did you know him when he first came out here from North Carolina?
A Yes, sir.
Q Do you know when he was admitted to citizenship in the Cherokee nation. A No, sir.

WITNESS EXCUSED.

F. Elma Lane, upon oath, states that she reported the proceedings in the above entitled cause and that the foregoing is a true and correct transcript of her stenographic notes taken therein.

F. Elma Lane

Subscribed and sworn to before me this 3rd day of January, 1907.

Chas. E. Webster

Notary Public.

An act for taking a census of the Cherokee Nation in the year 1870, and conferring power upon the Supreme Court, to try and determin cases of doubtful citizenship, at an extra term.

Sec, I, Be it enacted by the National Council; That two expert responsible personsto be appointed by the Principal Chief, (in each district) and who shall be residents of the district from which they are appointed,, be, and they are hereby directed and authorized, to take the census of their respective districts, between the first day of March and the first day of September 1870; and make a full and certified returns thereof to the Principal Chief on or before the first day of October of said year. The said census takers, before entering upon the duties hereby assigned them, shall take an oath for the full, impartial, and correct performance of the same, as hereinafter defined.

2d. That it shall be the duty of said census takers, to take a full and complete return of all persons found residing or sojourning within the limits of their respective Districts at the time of making the enumeration, as required by the foregoing section. And said returns, shall show the names of all heads of families; the names of all males above the age of eighteen; the names of all females above the age of eighteen years; the names a of all males under eighteen years; the names, sex, and ages of all orphans under sixteen years of age; names of all whites entitled by law to citizenship within the ages above specified; the names of whites not so entitled; thename s of all colored persons entitled by law to citizenship, within said ages; and the names of all such persons not so entitled, and the names of all Indians not so entitled.

s. 3. That it shall be the duty of the Principal Chief, to cause ruled blanks to be prepared of a suitable and convenient form, and to furnish to said census takers for the purpose of making the enumeration herein provided for; and said census takers shall be allowed $3.00 per day while engaged in the performance of the duties hereinbefore imposed upon them.

S. 4. That it shall be the duty of the Princiapl Chief, to cause a summary of the returns of said census to be prepared and laid before the National Council together with the full returns of same, at the beginning of the anual session thereof in 1870.

And which returns, shall serve as the basis for apportioning the representation of the several Districts in the Cherokee Nation, in the National Council, in accordance with the amendment of the Constitution dated November 28, 1866.

S. 5. That all persons whose rights to citizenship in the Cherokee Nation, shall be called in question and who shall be reported by the persons authorized by this act to take the census of the Cherokee people, on the list of doubtful persons, shall be required to appear before the Supreme Court of the Cherokee Nation, at Tahlequah, on the first Monday in December, 1870, then and there to establish their rights to citizenship in the Cherokee Nation. And the said Supreme Court, is hereby specially impowered to act as a court of commission on behalf of the Nation for the hearing and determination of all cases of doubtful citizenship which shall be reported to them by the census takers, or by the Solicitors of the several Districts. And the decision of said court shall be deemed final and conclusive in the premises, as to the rights of said persons to citizenship in the Cherokee Nation. And the said court, shall cause a correct list of the names and ages of all persons whose rights they may confirm; and one of all those whose rights they may reject; to be placed on record in their office, and a copy of the same to be furnished the Principal Chief for the use of the Executive Department.

Tahlequah, C. N., Nov. 26, 1869.

Approved 3d Dec. 1869, the date of presentation.

Lewis Downing,
Principal Chief.

EXECUTIVE DEPARTMENT, CHEROKEE NATION,
TAHLEQUAH, IND. TER.

I, A. B. Cunningham, Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of an Act of the National Council entitled "An Act for taking a Census of the Cherokee Nation in the year 1870. And conferring power upon the Supreme Court to try and determine cases of doubtful citizenship, at an extra term.", as of record in this office.

A. B. Cunningham
Executive Secretary,
Cherokee Nation.

Feby 16 - 01

"

No,8.--John A.Raper, a man aged thirty four years,born and raised in the State of North Carolina, and came into the Cherokee Nation about the 20th, day of December last,who has a wife named Mary Ann and two children, named as follows,William Penn Raper and Henry Marshall Raper, who claims to be Cherokees by blood, and wishes to establish his rights and that of his children as such, introducing R.W.Walker and James Hollan to prove his rights, with his children to Cherokee Citizenship.

Cherokee Nation,)
Tahlequah,)
) Personally came before me,R.B.Daniel,Chief Justice of the Supreme Court of the Cherokee Nation,R.W.Walker and James Hollan , and being duly sworn,deposeth and sayeth,that they know that John A.Raper the above claiment is a Cherokee by blood,by his mother Polly Raper,and that it would naturally follow that his children,to wit;William Penn Raper and Henry Marshall Raper, are Cherokees.

R.W.Walker,
James Hollan.

Sworn to and subscribed before me this 4th,day of Jany,1871.

R.B.Daniel,
C.J.S.Ct,."

Executive Department,
Cherokee Nation,
Tahlequah, Indian Territory,

I,A.B.Cunningham, Executive Secretary of the Cherokee Nation, do hereby, Certify that the above and foregoing is a true and correct transcript of the record in the matter of the application of John A.Raper, and Children for citizenship in the Cherokee Nation, before the Honorable R.B.Daniel, Chief Justice of the Supreme Court of the Cherokee Nation, sitting as a Court of Commission, to hear and determin citizenship cases as provided by an act of the Cherokee National Council, approved by the Principal Chief of the Cherokee Nation, December 3rd, 1869.

Said transcript taken from page 13, of the "Record of applications and affadavits in citizenship cases before the Supreme Court of the Cherokee Nation,in 1870 and 1871."

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation, this the 16th, day of February, 1907.

A B Cunningham
Executive Secretary
Cherokee Nation.

Copy

Affidavit:

Chouteau Ind. Terr.
March 1st 1907

I John A. Raper wish the Commissioner Tams Bixby to allow this statement of mine filed, to correct some errors in the Protest received yesterday in the case of my wife Mary A Raper. I was here in the Cherokee Nation I.T. in person in 1870 and appeared before Judge John T. Vann Judge of the Supreme Court of the Cherokee Nation at Tahlequah, I.T. with my two witnesses Wesley Walker and James Woolard and the evidence was taken then on the 4th of January 1871, and the prosecuting attorney for the Cherokee Nation then, made a long statement to the court in my favor, as he had known the family father mother daughter & son for years before, his name was Johnson Foreman (and not as stated in the protest in 1872). As to legal marriage, Living together as man and wife for 38 years is a living witness to establish same if nothing more was adduced.

2d I have always been a recognized Cherokee citizen by blood here since 1870 (my coming here).

3d My admission dates from the time of taking the evidence in my case, Jany 4th 1871. as I did all that was required of any one else and was never required to furnish any thing more but on the contrary have exercised all the functions of any other Cherokee

citizen, This is also clearly shown and proven by the statement of Cal Wright an old and reliable Cherokee Indian whose statement is herewith submitted. As regards the statement of the Cherokee attorney that I was not admitted until enrolled upon the 1880 roll which is wrong, as I have always been a full fledged ~~Cher~~ citizen of the Cherokee Nation here since the evidence was taken before Judge John Vann in my case in 1870 or 71, when me and my family appeared before him

John A. Raper

Northern District
Indian Territory

Subscribed and sworn to before me this 1st day of March 1907

Will A Crockett

My Com Expires Dec 7th 1910

I. P. Bledsoe representative of Mary Ann Raper

affidavit

Lahlequah I. T. - 2/16 '07

Personally appeared before me Cale Wright who after being duly sworn states -
My name is Cale Wright - I am 61 years old I live in Lahlequah - I am a Cherokee by blood I have known Catherine Johnson and Eliza Brown and Nancy Harlin ever since 1868 in the Cherokee Nation, Flint Dist. and I saw John A Rapu (or Powell) in 1870 in Flint Dist. C. N. and I know that he had a family at that time and I know that he is a brother of the above named women and I know that John A (or Powell) Rapu moved from Flint Dist. about 1876 to Coo is coowee Dist. C. N and that he & his family have lived there ever since and they have always been since 1870 recognized Cherokee citizens. The record of the Executive office show of April 3d 1875 - that these people Catherine Johnson - Eliza Brown appeared before the Supreme Court by (Hon.) J. T. Adair at Lahlequah I. T. and made the second application for admission to citizenship, stating therein that their former application in 70 or 71 had been lost or misplaced. These people are all recognized as good Cherokee citizens

Cale Wright

Subscribed and sworn to before me on this Feby. 16th 1907
Lahlequah I. T.

[illegible]
Notary Public

MY COMMISSION EXPIRES APRIL 12, 1909.

Copy

The Department of the Interior.
Commissioner to the Five Civilized Tribes,

In the matter of the application for the enrollment of Mary Ann Roper as a citizen by intermarriage of the Cherokee Nation.

The evidence and records show that said Mary Ann Roper, a white woman, married Aug. 1, [illegible] in the [illegible] and moved with him into the Cherokee Nation in [illegible] and was by the Cherokee Court and Council [illegible] and moved from William Penn and E. Bowles, [illegible] of said Nation, and that they have [illegible] in said Nation and lived [illegible] and she was [illegible] appear upon the rolls of [illegible] and also upon the approved roll of the Dawes Commission. And [illegible] act of June 10, 1898, Sec. 21 of an act of Congress, the said Mary Ann Roper is entitled to enrollment.

Respectfully submitted,

Chotiau I. T.
Feby 26/07

T. P. Bledsoe

copy

E C M

Cherokee 2529.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MARY A. RAPER as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Pryor Creek, Indian Territory, September 11, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Mary A. Raper as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 7, 1902 and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Mary A. Raper, a white woman, was married in the State of North Carolina in the year 1869 to one John A. Raper; that in 1872 the said John A. Raper and Mary A. Raper removed to the Cherokee Nation where they have since continuously resided as husband and wife; that on January 4, 1871 application was made to the Supreme Court of the Cherokee Nation for the admission to citizenship in the Cherokee Nation of John A. Raper. The records of said case are incomplete, but the Cherokee Nation, after ample opportunity having been allowed, has failed to show that said applicants were refused admission to citizenship therein. The said John A. Raper is identified on the Cherokee authenticated tribal roll of 1880, Cooweescoowee District No.2459 as a native Cherokee. It is further shown that from the time of said removal to the Cherokee Nation the said John A. Raper and Mary A. Raper resided together as husband and wife and continuously lived in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos.125,126,127 and 128, the said applicant, Mary A.Raper is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory
this FEB 28 1907.

Opp'd

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary A. Raper to be enrolled as a citizen by intermarriage of the Cherokee Nation.

Protest of the Cherokee Nation.

The representative of the Cherokee Nation cannot agree with the decision of the Commissioner to the Five Civilized Tribes ordering the applicant in the above case to be enrolled, for the reason that the record shows that the applicant and her husband were married in the State of North Carolina; that in 1872 they came to the Cherokee Nation; that previous to that time, namely, on January 4, 1871, application was made to the Supreme Court of the Cherokee Nation for their admission to citizenship in the Cherokee Nation, but evidently the record being incomplete no action was taken thereon, and they were not admitted to citizenship in the Cherokee Nation, although subsequent to that time it appears that John A. Raper succeeded in getting his name placed upon the aut henticated roll of 1880, and therefore he and his descendants are entitled to be enrolled, but we contend that Mary A. Raper is not entitled because at the time of her marriage to John A. Raper in 1869 he was not a recognized citizen of the Cherokee Nation, but a resident of North Carolina, and there is no evidence which tends to show that he was recognized as a citizen of the Cherokee Nation until his name was placed upon the roll of 1880.

Second, we desire to most vigorously protest against the doctrine embodied in the decision of the Commissioner, wherein it is held, "But the Cherokee Nation, after ample opportunity having been allowed, has failed to show that said applicants were refused admission to citizenship therein." Such doctrine has never been held in a prior decision. The burden is upon the applicant to show:

First, a legal marriage to her husband.

Second, that her husband at the time of that marriage was a recognized Cherokee citizen by blood, or,

copy

Third, that he was admitted to citizenship in the Cherokee Nation prior to November 1, 1875.

It has been satisfactorily shown that she was married to her husband in 1869, and, second, it is admitted that at that time John A. Raper was not a recognized citizen by blood of the Cherokee Nation, but it is contended that they were subsequently admitted prior to November 1, 1875, but the burden is upon the applicant to show this. It is shown that they made application and some testimony was taken before the Supreme Court of the Cherokee Nation to be readmitted, and we submit that the records so far as the admission to citizenship in the Cherokee Nation is concerned are complete, and this the Commissioner to the Five Civilized Tribes and the Secretary of the Interior is aware of, and we submit that the only reasonable theory is that the record shows that these applicants did not come to the Cherokee Nation until 1872; that they had had application made for them prior to that time, namely, on January 4, 1871, but evidently the record was incomplete and that no action was taken thereon, and that it remained in abeyance until perhaps John A. Raper, the husband, went before the council committee in 1880 and succeeded in getting his name placed upon the 1880 roll, which was confirmed and authenticated and our contention is that his citizenship dates from that date, and that he was readmitted by the authentication of the 1880 roll, and if so, and our contention in this respect is correct, he was not a citizen of the Cherokee Nation prior to November 1, 1875, and therefore his wife is not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation.

Respectfully submitted,

N. W. Hastings
Attorney for the Cherokee Nation.

Cherokee
2529

Muskogee, Indian Territory, December 24, 1906.

Mary A. Raper,

Choteau, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your husband, by reason of your marriage to whom you claim the right to enrollment as a citizen by intermarriage of the Cherokee Nation, was a recognized Cherokee citizen at the time of your marriage to him.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A. M., on Thursday, January 3, 1907, and give testimony as above indicated.

Respectfully,

JMH

Acting Commissioner.

W. C. ROGERS, Principal Chief
D. M. FAULKNER, Assistant Chief
W. W. HASTINGS, National Attorney
J. E. COVEL, Interpreter

EXECUTIVE DEPARTMENT

A. S. CUNNINGHAM, Executive Secretary
C. J. HARRIS, Assistant Secretary
W. H. WALKER, Assistant Secretary

CHEROKEE NATION

TAHLEQUAH, INDIAN TERRITORY

Mr. Jno. A. Roper,
Choctaw,
I.T.

Jany 7th 1907

Dear Sir:-

Answering yours of the 2nd in which you ask for a certified copy of the decission of the Supreme Court in your citizenship application, I will state that all such decissions have been turned over to the Commissioner to the Five Civilized Tribes, Muskogee, I.T. and are now in his ~~possession~~ possession.

Very respectfully
C J Harris,
Secy.

EXECUTIVE DEPARTMENT

CHEROKEE NATION.

TAHLEQUAH, INDIAN TERRITORY.

July 7th 1907

Mr.Jno.A. Raper,

Chouteau, I.T.

Dear Sir:-

Answering yours of the 2nd. in which you ask for a certified copy of the decission of the Supreme Court in your citizenship application, I will state that all such decisions have been turned over to the Commissioner to the Five Civilized Tribes, Muskogee, I.T. and are now in his possession.

Very respectfully,

C.J.Harris,

Secy.

EXECUTIVE DEPARTMENT

CHEROKEE NATION

TAHLEQUAH, INDIAN TERRITORY.

January 21, 1907.

Tams Bixby, Commissioner,

Muskogee, Indian Territory.

Sir:

Referring to your letter of the 19,inst, Cherokee 2529,requesting that a certified copy of the decision of Judge Vann, admitting JohnA. Raper to cherokee Citizenship. I enclose herewith certified copy of the record in the above matter. It appears that the record was never completed as I find no decision of the Court.

Respectfully,

Signed, A.B.Cunningham

Executive Secretary.

INDEXED
COMMISSIONER to Five Tribes
No. 4035 Received Jan 23 1907

Cunningham, A? .?
Tahlequah, I.T.,Cherokee Nation, Jan.21, 1907.

Transmits certified copy of record, admitting John A. Raper to citizenship of the Cherokee Nation.
Cherokee Enrollment.

Choteau, I.T.

Feby 4th 1907.

To The Com'r to the Five Civilized Tribes.

Sir-

I herewith return to you the letter of C.J.Harris assistant Executive Secy. of the Cherokee Nation- together with my Affidavit this day sworn to before a Notary Public.

I am confident that if the Records are carefully examined you will find a record of my admission, which by my affidavit shows that I was admitted in 1870 or 1871.

Very Respectfully,

John. A. Raper

INDEXED

Commissioner to Five Tribes
No. 6695 Received Feb-5-1907

Raper, John A.,
Choteau, I.T. Cherokee Nation, Feb. 4, 1907.

Transmits affidavit and letter from C.J.Harris relative to his Cherokee citizenship.

Cherokee Enrollment.

Cherokee 2720

COPY

Muskogee, Indian Territory, February 28, 1907.

Mary A. Roper,

Choteau, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting your application for enrollment as a citizen by intermarriage of the Cherokee Nation.

You are advised that the Attorney for the Cherokee Nation protests against your enrollment as a citizen by intermarriage of the Cherokee Nation. Said protest, together with the record of proceedings had in your case, and the Commissioner's decision, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED [illegible]

Commissioner.

Encl.GL-L
GHL

Cherokee 2329

COPY

Muskogee, Indian Territory, February 28, 1907.

I. P. Bledsoe,

Attorney for Mary A. Roper,

Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of Mary A. Roper as a citizen by intermarriage of the Cherokee Nation.

You are advised that the Attorney for the Cherokee Nation protests against the enrollment of said Mary A. Roper as a citizen by intermarriage of the Cherokee Nation. Said protest, together with the record of proceedings in said case, and the Commissioner's decision, has this day been transmitted to the Secretary of the Interior for his decision.

Respectfully,

Encl.H-GL-2
GEL

Commissioner.

COPY

D.C. 13088-1907. SPECIAL J. P. FRM.

DEPARTMENT OF THE INTERIOR,

I.T.D. 7804-1907. WASHINGTON.

LRS. March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 24, 1907, your decision adverse to Mattie Mackey for her enrollment as a Cherokee freedman, is reversed; the decision of the Department affirming your decision is accordingly rescinded. Her application for enrollment is granted and the schedule submitted with your letter, bearing her name, has been approved this day and will be disposed of in the usual manner.

The Indian Office submitted your said report with its letter of March 2, 1907 (Land 21810 et al), copy inclosed, and also the records in the cases of Amanda Hill, et al., Cherokee Freedman, Martha Pheasant and Mary A. Taper, applicants for enrollment as intermarried Cherokees. It recommended the approval of your decisions in all these cases in favor of the applicants, and also of the schedules submitted therewith bearing their names.

In accordance with your recommendation and that of the

Indian Office, your decisions in favor of the applicants in said cases are hereby approved, also said schedules, which will be disposed of in the usual manner. The papers in the cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

9 inc. and
18 for Ind. Of. with
copy hereof.

A.F.Mc 3-4-07

Cherokee IW-254.
629-1906.

Muskogee, Oklahoma, January 16, 1906.

Mrs. Mary A. Raper,

Choteau, Oklahoma.

Madam:

In reply to your recent letter without date, you are advised a careful examination of the records of this office fails to show that a certificate showing the marriage of yourself and John A. Raper was filed in connection with your claim for enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

JOR(LS)

Commissioner.

Hon. Dawes Commission
Muscogee
Ind. Ter.

MAR 2 1907

Hon. Dawes Commission
Muscogee
Ind. Ter.

Cher IW 255

Cher IW 255

Char. D 1880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., July 30, 1902.

In the matter of the application of [illegible] et al., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Martha Pheasant, page 462, # 1310, Goingsnake District; Adopted White;
Note: "Cincinnatti, Ark."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

W. F. Rentie
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 4 1902
CHAIRMAN

Note: Return the Document, page 185, 1310, Department Digest.

Washington, D.C.

Copy D 1880

Cherokee D-1850.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application for the enrollment of Martha Pheasant as a citizen by intermarriage of the Cherokee Nation.

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D E C I S I O N.

The record in this case shows that on June 30, 1902, Emmet Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Martha Pheasant as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on August 23, 1902.

The evidence in this case shows that Martha Pheasant is a white woman and is identified on the Cherokee Authenticated Roll of 1880 as an intermarried white person. It is further shown that, subsequent to the death of her husband, she removed to the State of Arkansas, and has resided therein continuously for nine years next preceeding the date of this application.

Paragraph nine, Section twenty-one, of the Act of Congress approved June 28, 1898, (30 Stats.,495) provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship".

It is, therefore, the opinion of this Commission that the application for the enrollment of Martha Pheasant as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Acting Chairman.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

POWER OF ATTORNEY.

Know all men by these presents:

That I, Martha Pheasant Of Chance Indian Territory have made constituted and appointed and by these presents do make constitute and appoint for me in my name place and stead John Scott of Chance Indian Territory my true and lawful attorney for the purposes of representing me as my agent before the Daws Commission to the Five Civilized Tribes in prosecuting my rights to enrollment as a citizen by intermarriage of the Cherokee Indian Nation and also to attend to the renting and leasing of my allotment of Cherokee Indian lands,with full power and authority to collect rents from the same and to do any and all other lawful acts and things pertaining to the same where in his judgement it will inure to my benefit,he being the sole judge,and with full power and authority to sign any vouchers for any moneys that are due me or that may become due me from the distribution of any funds arizing from the distribution of the funds of the Cherokke Nation by the United States Government,or from any persons or corporation concerning my said allotments of Cherokke Indian lands.

And I do by this recind any all former powers of attorney that I may have made,and the powers hereingranted shall be irrevocable until all my rights to citizenship in the Cherokee Indian Nation as an intermarried citizen of the same are finally settled and a complete settlement of my interests in same are made,

Witness my hand and seal this the 10th day of March A.D.1905.

Signed and executed in the presence of

[illegible]

[illegible]

[illegible]

United States of America.
Northern District.
Indian Territory.

Be it known,that on this the 10th day of March 1905,personally appeared before me D.H.Couch a Notary Public within and for the Northern District Indian Territory duly commissioned and acting, [illegible] Personally known to me as the person who signed and executed the above and foregoing Power of attorney and being duly sworn in the absence of her said attorney deposes that she had signed and executed the same for the purposes therein mentioned and set forth as her own free voluntary act and deed without any undue influence of her said attorney,and I do hereby so certify.

Witness my hand and seal as such Notary Public the day and year last above written

[illegible]
Notary Public

My commission expires Jan.28th,1907.

POWER OF ATTORNEY.

KNOW ALL MEN BY THESE PRESENTS:

That I, Martha Pheasant of Chance Indian Territory, have made constituted and appointed, and by these presents do hereby make constitute and appoint John Scott of Chance I.T. my true and lawful attorney for me in my name place and stead to file for me on my allotment of Cherokee Indian ~~allotment~~ land and to designate my homestead of the same before the Tahlequah Land Office of the Daws Commission, and I do hereby delegate to my said attorney full and complete power and authority to do and perform all and every lawful act deed and thing requisite and necessary to perfect my said filing and the designation of my homestead of the same as fully to all intents and purposes as I could do if I were present, with full power of substitution and revocation,

And I assign my reasons for this that the said John Scott is my son and a citizen of the Cherokee Indian Nation by intermarriage, and that I am not physically able to make the trip to Tahlequah to attend to this, that I cannot leave my room to do anything and am not likely to be able to ever attend to it.

Witness my hand and seal this the 10th day of March A.D.1905.

Henry Scott (Cherokee Man)

United States of America.

Northern District.

Indian Territory.

Be it known that on this the 10th, day of March 1905, personally appeared before me the undersigned Notary Public within and for the Northern District Indian Territory duly commissioned and acting, Martha Pheasant Personally well known to me to be the party who has signed and executed the above and foregoing Power of attorney and in the absence of her said attorney acknowledged that she had signed and executed the same for the purposes therein mentioned and set forth, and I do hereby so certify.

This the 10th day of March 1905.

Notary Public

My commission expires January 28th 1907.

Cherokee D-1850.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
WESTVILLE, I. T., MARCH 23, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA PHEASANT as a citizen by blood of the Cherokee Nation.

GEORGE CRITTENDEN, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A George Crittenden.
Q What is your age? A 59.
Q What is your post office address? A Westville, I. T.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q How long have you lived in Goingsnake District? A All my life.
Q Were you once acquainted with a white woman an adopted citizen of the Cherokee Nation by the nameof Martha Pheasant? A Yes sir.
Q Were you personally acquainted with her? A Yes sir.
Q Was she at one time married to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What was his name? A James Pheasant.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A 15 years I guess about that long.
Q Did Martha Pheasant once live in your community? A yes sir, she lived down here at Goingsnake Court House.
Q Has she married since the death of her Cherokee husband? A Not that I know of.
Q Do you remember about the year that she and James Pheasant were married? A Just immediately after peace was declared, married about '65 or '66.
Q Do you know whether or not they were married in accordance with Cherokee laws? A No sir I don't.
Q Do you know whether or not Martha Pheasant is living or not?
A She was the last account that has been about a couple or three months ago, her son-in-law stayed all night with me and said she was in the Creek Nation.
Q Where is she living at present? A The last account I heard of he she was living with her son-i -law in the Creek Nation.
Q Has she everlived outside of the Cherokee Nation with the exception of her present reisdence in the Creek Nation? A She stayed over in Arkansas.
Q How long? A I don't know but some time.
Q When was it she was over there? A It has been since 1894, couldn't just tell what year.
Q You don't know how long she stayed in Arkansas? A No sir.
Q But with the exception of her stay in Arkansas and her residence in the Creek Nation she has lived since your first acquaintance with her in the Cherokee Nation? A Yes sir, about 4 miles west of here.
Q You don't know her present post office address? A No sir.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this April 15, 1905.

Hyson White
Notary Public.

C-A1152

APP
COMMISSION TO FIVE TRIBES.

Cherokee D-1850.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 20, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA PHEASANT as a citizen by intermarriage of the Cherokee Nation.

MARTHA PHEASANT, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Martha Pheasant.
Q How old are you? A 72, will be the 16th of next December.
Q What is your post office? A Okmulgee.
Q What is the name of your father? A His name was Johnson.
Q His full name? A William Johnson, he is dead long ago.
Q Your father was a white man? A Yes sir.
Q What is the name of your mother? A Before she was married.
Q Her married name either? A Elizabeth Johnson.
Q She is dead? A Yes sir.
Q Was she a white woman? A Yes sir.
Q Were you at one time married to a citizen by blood of the Cherokee Nation? A Yes sir.
Q What was his name? A I don't remember now.
Q Your husband? A Jim Pheasant.
Q He was a Cherokee by blood? A Yes sir.
Q Is he living? A No sir, he is dead.
Q How long has he been dead? A 16 years.
Q When wereyou and he married? A Well I can't remember how long it has been. It has been a goodllong time, about 26 years I reckon.
Q Before or after the war? A Since the war.
Q Do you know about how long after the war? A About two years I reckon.
Q Did you and he live together until he died? A Yes sir.
Q Have you married since he died? A No sir.
Q Where did he die? A He died in Goingsnake close to the Court house.
Q Cherokee Nation? A Yes sir.
Q Were you and he living together when he died? A Yes sir.
Q Did you and he live together continuously from the time of your marriage until his death? A Yes sir.
Q Where did he make his home all of his life? A Ever since I knew him right there in Goingsnake.
Q Did he ever live out of the Cherokee Nation? A Not that I know of he never did.
Q Did you live with him in the Cherokee Nation during his life time? A Yes sir.
Q Where have you lived since he died? A I have been in the Cherokee Nation part of the time. I just stayed around amongst my children. I have got not home, not able to keep house, sometime I am in the Cherokee Nation and sometimes I am down here at Okmulgee.
Q Now after his death where did you go? A I went to my daughter's.
Q Where is that? A Cincinnati.
Q That isin Arkansas? A Yes sir.
Q How long did you live with her then? A Just a short while, not very long, I went back to my son's down in the Cherokee Nation.

Q Did you ever stay with your daughter as much as a year? A No sir.
Q Just a short time? A Yes sir.
Q Then how long did you live with your son in the Cherokee Nation?
A I couldn't tell you, I stayed there a good long time.
Q Several years? A Yes sir.
Q Then where did you go next? A I just visited around and stayed among the children.
Q Have you any children besides your daughter's who lived outside of the Cherokee Nation? A I have three living.
Q Any besides your daughter live outside of the Cherokee Nation or Indian Territory? A Not that I know of.
Q Where have you lived for the last 6 or 8 years? A For the last 4 years I have been living here at Okmulgee with my son.
Q Then just prior to that where did you live? A I lived with my sons.
Q Does your name appear on the roll of 1880? A I reckon that is the time, I don't remember what time it was put on.
Q Does your name appear on the roll of 1896 or any other roll besides the 1880 roll? A That is all I reckon, the time they put our names on the roll, the last time, I was in bed paralizedand wasn't able to get up and go.

W I T N E S S E X C U S E D.

WILLIAM SCOTT, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A William Scott.
Q How old are you? A I can't tell you just exactly but I am somewhere in 40, my age got burnt up.
Q What is your post office? A Okmulgee.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q Do you know the applicant here, Martha Pheasant? A I know her, yes sir.
Q Is she any relation of yours? A She is my mother.
Q Where has your mother lived since 1880? A She lived at Fayettville, Arkansas, in the Cherokee Nation, and at Okmulgee.
Q Now for the past 8 years where has she lived? A Part of the time she has been in the Cherokee Nation and part of the time in the Creek Nation and two years she lived in Arkansas.
Q Do you know what two years they were? A No sir, I don't but it was 6 years ago that she lived in Arkansas. We have been here four years last August.
Q Now for the past four years has she lived in the Indian Territory?
A Yes sir.
Q In the Creek Nation? A Creek and Cherokee, she went up to my brother's and stayed pretty near a year.
Q What ishis name? A John Scott.
Q Whereabouts does he live in the Cherokee Nation? A He lives out about 16 miles south of Cincinnati.
Q He lives in the Cherokee Nation does he? A Yes sir.
Q Was that the year just prior to the four years she lived with you in the Creek Nation? A Yes sir, she lived with me in the Creek Nation four years and with me at Fayettville two years before that.
Q She must have lived with your brother before she lived with you in Arkansas, that was in 1900? A Yes sir, it must have been.

Q For the past several years she has just lived with her children?
A Yes sir.
Q Has she ever had any property interest outside of the Cherokee Nation? A No sir.
Q When was it she lived with you first, do you know? A No sir, I couldn't tell you when.
Q Do you know the greatest length of time she lived outside of the Cherokee Nation? A Two years.
Q Was that when she lived with her daughter at Cinnatti? A Two years at a time is as long as she ever lived out that I know of. That is when she lived with me.
Q Where was that? A At Fayettville.
Q Fayettville, Arkansas? A Yes sir.
Q Do you know what two years that was? A It was 6 years ago, you can count it back.
Q Six years ago? A Yes sir, we have been here four years and we just come from Fayettville down here.
Q And she has lived with you for the last six years? A Yes sir, all but the exception of last winter, she went up to my brothers in the Cherokee Nation.
Q And with the exception of nearly a year she lived with your brother in the Cherokee Nation she has lived with you? A Yes sir.
Q And for the last four years she has lived in the Creek Nation? A Yes sir, out of the four years she lived nearly a year in the Cherokee Nation.
Q And two years prior to the time you moved to the Creek Nation you lived at Fayettville, Arkansas? A Yes sir.
Q And she lived with you those two years? A Yes sir.
Q Where did she live just before then, just prior to that time?
A She was at John's in the Cherokee Nation.
Q Was that with your brother? A Yes sir.
Q How long did she live with him then? A I couldn't tell you. I come from the Chickasaw country up there and took care of her.

W I T N E S S E X C U S E D.

MARTHA PHEASANT RECALLED:

ON BEHALF OF THE COMMISSIONER:
Q Before you began living with your son here present, where did you live? A I lived with my other son.
Q Where was that? A Cherokee Nation.
Q How long did you live with him that time? A I lived there two years I know, but sometimes I would come and visit my daughter's in the State, but I wouldn't stay long.
Q Just a short visit? A Yes sir.
Q And did you live with her up to the time you lived that two years with your brother in the Cherokee Nation? A It was my son.
Q I mean your son, yes? A I lived with him and his wife.
Q Whereabouts? A Lived in Goingsnake I guess, I think, it is out northwest of Goingsnake Court House about six miles.
Q How long has it been since you lived with your daughter at Cincinnati? A I aint lived with her to say live with her, in a long time.
Q You think it has been more than eight years? A No sir, I was up there this last summer.
Q I mean to live with her? A It has been eight years I know.

Q Have you for the last 6 or 8 years had any property interest in the Cherokee nation? A I haven't any property at all.
Q Have you always identified yourself with the Cherokee Nation?
A Yes sir.

WITNESS EXCUSED.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H Lessley

Subscribed and sworn to before me this 27th day of November, 1905.

Myron Walker
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

OCT 27 1905

COMMISSIONER

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, IND. TER.
JAN. 3, 1907

CHEROKEE D.1850

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF MARTHA PHEASANT AS A CITIZEN BY INTERMARRIAGE OF THE CHEROKEE NATION.

JOHN WESLEY SCOTT BEING FIRST DULY SWORN BY B.P.RASMUS A NOTARY PUBLIC TESTIFIED AS FOLLOWS:

EXAMINATION BY THE COMMISSIONER:

Q. What is your name. A John Wesley Scott.
Q What is your age? A Fifty four.
Q What is your post office address? A Chance, I.T.
Q You appear here for the purpose of giving testimony relative to the right to enrollment of Martha Pheasant as a citizen by intermarriage of the Cherokee Nation do you? A Yes.
Q Are you related in any way to this Martha Pheasant.
A She's my mother.
Q Your mother Martha Pheasant is a white woman is she?
A Yes sir.
Q She has no Cherokee blood. A No sir, not that I know of.
Q The only claim that she makes to the right to enrollment as a citizen of the Cherokee Nation is by virtue of her marriage to a citizen by blood of the Cherokee Nation is it? A Yes sir.
Q What is the name of the Cherokee citizen thru whom she claims the right to enrollment. A James Pheasant.
Q Is he living or dead. A He's dead.
Q When did he die. A He died about fifteen or sixteen years ago.
Q You are his son are you. A I'm his step-son.
Q He was not your father? A No sir.
Q Do you know when your mother married him? A She married him in about sixty- six or sixty-seven, somewhere along about that time if I remember right.
Q Was he recognized as a citizen by blood of the Cherokee Nation prior to his death. A Yes sir he was a full blood Cherokee.
Q Was your mother ever married prior to her marriage to him? A She was married in the states.
Q Was she ever married before she married this man James Pheasant? A She was married once before that, before the war, and my father went off to the army and he never came back and then along in '66 or '67 somewhere about that time we come to the Territory and she married here in the Territory.
Q Her former husband then was dead at the time she married this James Pheasant a Cherokee by blood.
A I couldn't tell you.
Q How long had he been absent from home? A Well he had be been in the beginning of the war, the civil war.
Q Had he been absent for a period of five years or more.
A Yes sir just about five years or more.

Q Then your mother Martha Pheasant had no knowledge of the whereabouts of her former husband for at least five years prior to her marriage to James Pheasant.
A No not any knowledge of him.
Q Where did she marry James Pheasant. A At that time there was no law for lawful marrying; they never was lawfully married; they just took up together and they lived together twenty or twentyfive years.
Q There was no marriage ceremony performed.
A No sir she lived with him up to the time of his death
Q When did he die. A He died , well it's been about fifteen or sixteen years ago.
Q Has she married since his death? A No sir
Q But she's living at the present time is she not, living in the Cherokee Nation. A She's with my brother in Okmulgee now; she's part of the time with me and part of the time with my brother; there's two of us brothers.
Q What does she consider her home.
A Well she makes her home mostly with my brother; he has no family.
Q How long has she been over there living with him?
A She's been there two years.
Q From the time of the marriage of your mother Martha Pheasant to her deceased husband James Pheasant did she continuously reside with her husband as his wife until the time of his death? A Yes sir.
Q And they lived in the Cherokee Nation did they.
A Lived in the Cherokee Nation.
Q After his death did she continue to reside in the Cherokee Nation up to and including September 1, 1902.
A Well, no sir, she went right across the line to my sisters and stayed there a while for a couple of years, and then she come back and stayed with me three or four years and then she went to Fayetteville with my brother and stayed with him a while and then she come back to me and stayed a while; then she went to my sisters and stayed a while and then two years ago she went to Okmulgee and I haven't seen her since; I got a letter from her two or three weeks ago; she's in very bad health; I don't look for her to be here on the 5th; I taken out them papers; she wasn't able to get out of the house; she's very old.
Q Her feeble condition is the cause of her not appearing today is it. A I expect so; she was to be here on the 5th; she was notified to be here on the 5th and I'm to lay over and see whether she gets here or not.
Q Since the death of her husband has she owned any property in the Cherokee Nation. A No sir, they sold out what little she had.
Q When did he die, this man James Pheasant. A About fifteen years ago or sixteen; I think it was sixteen years ago.
Q He died then about the year 1890. A Yes sir.
Q Up until that time your mother Martha Pheasant had continuously resided in the Cherokee Nation since her marriage to her husband James Pheasant. A Yes; she had kept her house plunder, part of it at my house all the time; some of her things. Her bedding and her clothing she takes that back and forth wherever she goes.
Q Since the death of her husband she has been living at various places with her children? A Yes sir.

Q Where has she considered her home since then. A She considered her home at my place for a good while and my brother got at her to come with him and try to keep house for him; he has no family; and he wanted her to come with him and she went and stayed with him but she made her home generally at my house until she went with him to try to keep house.
Q Did she leave any of her personal effects at your place when she left. A Yes sir.
Q Has she any property with you now, any personal effects or anything like that. A She has nothing but some cooking vessels now; she left a large table that she had; she used to run a boarding house and she had a large table; she left that with me; it's been destroyed.

EXAMINATION BY MR. VANCE.

Q Did she leave anything with you other than this table you speak of; what else did she leave with you besides the table you speak of. A She left some cooking vessels with me and she left some chairs with me a while and she come and got her chairs, and the table and the cooking vessels is about all that I could say she left there.
Q What became of the table and what became of the cooking vessels. A I've got the cooking vessels, some of them there yet and the table it was set out until the legs rotted off of it and I tore it up.
Q Do you know what year your father went to the war.
A No sir; I dont; I was quite small.
Q Do you know about what year. A No I cant say; I expect I was about twenty years old.
Q Do you remember when your mother and this man James Pheasant married or took up together. A Yes sir I remember well.
Q You just give the date from your recollection. A Yes sir
Q You have no record or evid ence of it. A No sir.

THE COMMISSIONER:

Q How much of the time since 1890 has your mother Martha Pheasant lived in the Cherokee Nation. A She hasn't been with me a great deal in that time; she wintered with me, was there last winter was a year ago and went back in the spring and has been gone ever since; she would come and stay a few weeks and go back.
Q Those visits she made were in the nature of visits were they. A Yes sir; she made her home just as much at other places or a little more I expect than she did at my house but then she considered either place her home.
Q She had no permanent home? A No sir.

MR VANCE:

Q Why wasn't application made for your mother's enrollment in 1901 or two when the Commission was receiving applications for enrollment. A She had went to my brother's at Fayetteville at that time and she was lying there under the doctor a good while, under the doctor at Fayetteville.
Q Did she claim at that time to be a citizen by intermarriage of the Cherokee Nation? A I dont know whether she did or not at that time because she didn't know but very little at that time; she was suffering; she had the worst rising I ever saw; lay a month with it.

Q She didn't make any effort to have application made ffor her. A No sir she hadn't any idea of getting well at that time.

The applicant Martha Pheasant is id entified on the C herokee Authenticated Tribal Roll of 1880, Goingsnake District No. 1310.

ooOoo

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commissioner to the Five Civilized Tribes she reported the above and foregoing proceedings and that this is a correct transcript of her stenographic notes.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of January 1907

B. P. Rasmus
Notary Public.

C.F.B.

Cherokee D 1850.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Pheasant as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, application was received by the Commission to the Five Civilized Tribes for the enrollment of Martha Pheasant, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, August 23, 1902, at Westville, Indian Territory, March 23, 1905, and at Muskogee, Indian Territory, November 20, 1905, and January 3, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Martha Pheasant, a white woman, married about the year 1866, one James Pheasant, since deceased, who was, at the time of said marriage, a recognized citizen by blood of the Cherokee Nation, and who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District, No. 1309, as a native Cherokee; that from the time of said marriage until the death of said James Pheasant, which occurred about the year 1892, the said James and Martha Pheasant resided together as husband and wife and continuously lived in the Cherokee Nation. It is further shown that since the death of her said husband, the said Martha Pheasant has resided at various places outside and within the domain of the Five Civilized Tribes, but it is considered by this office that her residence outside the Cherokee Nation has not been of such a character as would forfeit her right to Cherokee citizenship. Said applicant is duly identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127, and 128, the said applicant, Martha Pheasant is entitled under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 27 1907

COPY

C D 1815.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Phesant as a citizen by intermarriage of the Cherokee Nation.

Protest of the Cherokee Nation.

The Cherokee Nation cannot consent to the enrollment of this applicant as a citizen by intermarriage of the Cherokee Nation, for the reason that the testimony conclusively and clearly shows that the applicant Martha Phesant was never lawfully married to James Phesant, through whom she claims citizenship, and reference is made to the testimony of her son, John wesley scott, given before the Commissioner on January 3, 1907, wherein it was asked:

"Q. where did she (referring to Martha Phesant) marry James Phesant?
A. At that time there was no law for lawfully marrying; they never was lawfully married; they just took up together and they lived together 20 or 25 years."
"Q. There was no marriage ceremony performed? A No sir, she lived with him pp until the time of his death."

There is some testimony tending to show that her first husband was not dead, and there is also some testimony tending to show that she has not retained her residence in the Cherokee Nation since 1890, but we think that the testimony is conclusive that there was no lawful marriage, and for that reason the applicant should not be enrolled as a citizen by intermarriage of the Cherokee Nation.

Respectfully, submitted,

Attorney for the Cherokee Nation.

Endorsement:
DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes.
RECEIVED
FEB 28, 1907.

CITIZEN BY INTERMARRIAGE.

RESIDENCE: Creek Nation DISTRICT.

POST OFFICE: Okmulgee I.T. Forwarded

Cherokee Nation. Cherokee Roll.

(Not including Delawares, Shawnees, or Freedmen.)

DAWES NO. _____

FIELD NO. 2317

Dawes' Roll No.		NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
2557	1	Pheasant, Martha		67	F	3/4	1880	Going Snake	1310	Wm Johnson	dead	non City	Elizabeth Johnson	dead	Non City
	2														
	3	CITIZENSHIP CERTIFICATE													
	4	ISSUED FOR No. 1													
	5	MAY 3 1907													
	6														
	7	GRANTED													
	8	ACTION APPROVED BY SECRETARY OF INTERIOR													
	9	MAR 4 1907													
	10														
	11														
	12														
	13														
	14														
	15														
	16														
	17														
	18	Listed from information													

On cherokee card No. 07869
on cherokee " No 11049 April 3
On this card april 10. 1907

RESIDENCE: Cruk Nation ~~DISTRICT.~~
POST OFFICE: Okmulgee I.T.

Cherokee Nation. Cherokee Roll.

(Not including Delawares, Shawnees, or Freedmen.)

CARD NO.
FIELD NO. 11009

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
255	1 Pleasant Marshe		67	½	IN	1880	G.S.	1310	Wm Johnson	Dead	No. Cit	Elizabeth Johnson	Dead	No. Cit
	2													
	3													
	4													
	5													
	6													
	7													
	8													
	9													
	10													
	11													
	12													
	13													
	14													
	15													
	16													
	17													
	18 Listed from information													

* [illegible] decision of March 4, 1907

On Cherokee Card No. [illegible] D. 1850 July 1, 1902: [illegible] this Card April 2, 1907.

6—1044

Blank 731.

Cherokee Roll Citizens By Intermarriage

No.	Name.	Age.	Sex.	Blood.	Card No.
255	Pheasant, Martha	67	F		11009

DEPARTMENT OF THE INTERIOR Block 241.

United States Indian Service

Five Civilized Tribes

Muskogee, Oklahoma.

This is to certify that I am the officer having the custody of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of Indians, and the disposition of the land of said tribes, and the following described papers, attached hereto, are true and correct copies of the entire enrollment record on file in this office in connection with the application of

Roll No. 255, for enrollment as a citizen by intermarriage of the Cherokee Nation:

Cherokee Indian Census Cards No. 255 and 11009, Testimony dated June 30,1902, March 23,1905, November 20,1905, January 3,1907; Letters dated September 15,1905, September 18,1905, December 28, 1906, two dated February 28,1907; March 2, 1907, March 4,1907, March 18,1907; Decision no date; Decision dated February 27,1907 Two Powers of Attorney; Protest dated February 28,1907.

C. L. ELLIS
Dist. Supt. in Charge.

BY P. J. Dwyer CLERK

IN CHARGE Cherokee FILES

DATE Dec. 29, 1926.

-COPY-

Eggs Ind. Ter.

Sepet 15 1905

Tams BixBy

Commissioner To the five Civilized Tribes

Muskogee I. T.

I new those persons By the name of Martha Peasant age about 80 years old She Is living in going Snake Dist. I. T. her P. O. Westville I. T. That I find here name upon 80 roll and her Husband name James Pheasant whent By the name of Kerin Pheasant his Cherokee name, she is Entitled to enrollment, and also Martha Spade She left Ter about 10 years ago went back To little Rock or fort Smith Ark. her Husband name Jack Spade,, I Saw the list of persons names That you had in the possession who have not been accounted for, I have not heared from Martha Spade Sence She left The Ter.

This is all for This Time

Your s Respectfully,

(Signed) Tillmon England

Cherokee D 1850.

COPY.

Muskogee, Indian Territory, September 18, 1905.

James Oates,

Cincinnati, Arkansas.

Dear Sir:

This office is in receipt of your letter of September 9, in reference to one Martha Pheasant, who you state is visiting her daughter at Cincinnati, and whose name you claim appears in the advertised list of persons whose names are on the Cherokee tribal roll of 1880 not accounted for. You ask to be advised if it will be necessary for her to appear in person before this office, stating that she is seventy-two years of age.

In reply you are advised that the name of the Martha Pheasant to which you refer, appears upon the 1880 authenticated roll of citizens of the Cherokee Nation, Going-Snake district, as an adopted white, forty-five years of age at that time; her name follows that of James Pheasant, a native Cherokee, forty years of age at that time, marked "Dead", and precedes that of Walker Pheasant, a native Cherokee, twenty years of age, also marked "Dead".

If the Martha Pheasant to whom you refer is the person whose name is above referred to, it will be necessary that further testimony be introduced in her case before her right to

enrollment as a citizen of the Cherokee Nation can be definitely determined.

Respectfully,

Wm O Beall
Acting Commissioner.

LS

Cherokee
D-1850

Muskogee, Indian Territory, December 28, 1906.

Martha Pheasant,

c/o W. A. Scott,

Okmulgee, Indian Territory.

Dear Madam:

November 6, 1906, the United States Supreme Court held that white persons who intermarried with Cherokee citizens according to Cherokee law prior to November 1, 1875, are entitled to enrollment and allotments of land as citizens of the Cherokee Nation.

You are advised that to properly determine your right to enrollment as a citizen by intermarriage of the Cherokee Nation, it will be necessary for you to appear before the Commissioner for the purpose of giving testimony as to the date of your marriage and whether or not your wife, by reason of your marriage to whom you claim the right to enrollment as a citizen of the Cherokee Nation, was a recognized citizen of the Cherokee Nation at the time of your marriage to her, and whether or not you were married to her in accordance with Cherokee laws.

You are, therefore, directed to appear before the Commissioner at Muskogee, Indian Territory, at 9 o'clock A.M., on Saturday, January 5, 1907, and give testimony as above indicated.

Respectfully,

JMK

Acting Commissioner.

COPY

Cherokee
D 1850

Muskogee, Indian Territory, February 28, 1907.

Martha Pheasant,
c/o W. A. Scott,
Okmulgee, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You are advised that the Attorney for the Cherokee Nation protests against your enrollment as a citizen by intermarriage of the Cherokee Nation. Said protest, together with the record of proceedings in your case, and the Commissioner's decision has this day been transmitted to the Secretary of the Interior for his decision.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Incl. CL-4.
CML

Muskogee, Indian Territory , February 28, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings had in the matter of the application for the enrollment of Martha Pheasant as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner dated February 27, 1907, granting her application.

You are advised the Attorney for the Cherokee Nation protests against her enrollment, and his protest, filed this day, is enclosed.

There is also enclosed a schedule containing the name of Martha Pheasant, and in the event of the approval of the Commissioner's decision in this case, the approval of the schedule is also recommended.

It will be noted that no roll number has been

given the person whose name appears upon the schedule herewith transmitted. This action is taken in accordance with procedure reported by me t the Department on January 28, 1907, and approved by the Department's telegram of February 9, 1907. It is recommended that a number be placed upon this schedule by Mr. McCarr, the employe of my office now in Washington.

Respectfully,

Commissioner

Through the Commissioner of
Indian Affairs.

Encl. B-71

(COPY)

Land Reference in
body of letter.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are forwarded herewith several reports from Commissioner Bixby, transmitting the records in certain citizenship cases, together with the decision of the Commissioner, granting the application forthe enrollment of the persons involved in the following cases:

CHEROKEE FREEDMEN.

21810. Mattie Mackey.

21811. Amanda Hill, et al.

CHEROKEES BY INTERMARRIAGE.

21806. Martha Pheasant.

21807. Mary A. Raper.

The Office examined the record in each of the above cases and recommends that the decision of the Commissioner granting the applications of the persons therein involved, be approved.

There is also inclosed with each case a schedule containing the names of the persons involved thereis. The approval of these schedules is also recommended.

It will be noted that no roll numbers have been placed on these schedules opposite the names of the persons appearing thereon, and the Commissioner suggests that this be done by Mr. McCarr, an employe of his Office now in Washington.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW:LM

D.C.13025-1907. SPECIAL J.P.

DEPARTMENT OF THE INTERIOR, FHE.

WASHINGTON.

I.T.D. 7904-1907. March 4, 1907.

LRS

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation contained in your letter of February 28, 1907, your decision adverse to Mattie Mackey for her enrollment as a Cherokee freedman, is reversed; the decision of the Department affirming your decision is accordingly rescinded. Her application for enrollment is granted and the schedule submitted with your letter, bearing her name, has been approved this day and will be disposed of in the usual manner.

The Indian Office submitted your said report with its letter of March 2, 1907 (Land 21810 et al), copy inclosed, and also the records in the cases of Amanda Hill, et al., Cherokee Freedmen, Martha Pheasant and Mary A. Raper, applicants for enrollment as intermarried Cherokees. It recommended the approval of your decisions in all these cases in favor of the applicants, and also of the schedules submitted therewith bearing their names.

In accordance with your recommendation and that of the Indian

Office, your decisions in favor of the applicants in said cases are hereby approved, also said schedules, which will be disposed of in the usual manner. The papers in the cases have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

9 inc. and
18 for Ind. Of. with
copy hereof.

AFWc
3-4-07

Cherokee D1850

Muskogee, Indian Territory, March 18, 1907.

Martha Pheasant,

Care of W. A. Scott,

Okmulgee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED [illegible]

Commissioner.

Enc I-11

RPI

Cherokee D1850

Muskogee, Indian Territory, March 18, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for the enrollment of Martha Pheasant, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc I-10

RPI

Cher IW 256

Cher IW 256

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 16, 1901.

In the matter of the application of Woods B. Rogers for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner C. A. Breckinridge, testified as follows:

Q Give me your full name. A Woods B. Rogers.
Q How old are you? A 64.
Q What is your postoffice? A Checotah.
Q In what district do you live? A I am living in the Creek Nation at present.
Q Do you claim citizenship in the Cherokee Nation? A Yes sir.
Q In what district do you claim citizenship? A I was married in Canadian district.
Q So you would consider yourself a citizen of Canadian? A I have not lived there.
Q You were married in Canadian district, but you are not very definite as to where your citizenship would be at this time? A No sir.
Q Who is it you want to enroll, yourself and family? A Just myself.
Q Do you apply for enrollment as a Cherokee by blood? A No sir.
Q As a white man? A Yes sir.
Q Intermarried citizen? A Yes sir.
Q Have you your Cherokee license and certificate of marriage? A No sir. I suppose they were destroyed; I never got them.
Q You never got the license and certificate of marriage? A I never got the certificate. I got my regular license.
Q In what district did you get out a license? A In Canadian.
Q When were you married? A In '69.
Q To whom were you married? A Kate D. Drew.
Q Is she dead? A No sir, she's alive.
Q Is she a Cherokee by blood? A Yes sir.
Q How long did you and she live together? A We lived together, and are still living together.
Q Why don't you apply for her enrollment? A She enrolled in the Creek Nation.
Q You say she enrolled in the Creek Nation, and you expect to apply through her as a Cherokee? A Yes sir.
Q How long did you and your wife live in the Cherokee Nation after your marriage? A We lived right on the edge of the Cherokee Nation for about a year.
Q But not inside? A Part of the place was in the Cherokee Nation, and part in the Creek Nation.
Q Where was the house? A In the Creek Nation.
Q So you and your wife never lived in the Cherokee Nation after you married? A No sir.
Q You never had your house or actual residence inside of the Cherokee Nation since you were married in 1869? A No sir.
Q Have you lived all the time since your marriage in 1869 in this way in the Creek Nation? A Yes, in the Creek Nation.
Q Are you on any of the rolls of the Cherokee Nation? A I think my name is on the roll as an adopted citizen. The roll that was made for the Cherokee strip payment.
Q They didn't pay adopted citizens - you didn't get any Cherokee strip money, did you? A No sir.
Q You are not on the roll of 1880? A No sir.
Q And not on the census roll of 1896? A No sir.
Q And never drew any strip money? A No sir, my family drew strip money.

9

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 16 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

FEB 16 1901

94

Date ..... 1900.

1 Name Woods V. Rogers. Checotah I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

No. 1 Admitted to Cherokee citizenship by U. S. Court on appeal from Dawes Commission but has not lived in Cher. Nation since and lived in nation only one year from 1867 to when married, until admitted. Was only two years old in 1894. and is enrolled as a Creek.

Q Do you say that your wife claims to be a Creek citizen at this time? A She is part Creek and part Cherokee.
Q Under which does she claim? A She is allotted in the Creek Nation.
Q And has secured her land? A Yes sir.
Q Now, you are not upon any of the rolls of the Cherokee Nation, and you have no marriage license from the Cherokee Nation, nor a certificate of marriage, on what do you base your claim? A I have affidavits.
Q Have you ever been admitted to citizenship by the Cherokee Commission for council? A They recognized my rights.
Q Have they ever given you a certificate of admission? A No sir.
Q Did you ever apply to the Dawes Commission for admission to citizenship? A Yes sir.
Q When in '96? A Yes sir, my application went in in 1896.
Q It does not appear from the search that has been made from the records of the Commission that any application was ever submitted by you to the Dawes Commission - did you ever hear from the application? A Yes sir.
Q What did the Commission do with your case? A Rejected it.
Q What did you do then? A I applied to the United States Court.
Q And what did the Court do? A They recognized my rights.
Q What evidence have you of that? A I tried to get it from here, but they said it was filed with the Commission here.
Q Who were your attorneys? A I had none.
Q You just filed your own case. A Yes sir, I made my affidavits before Judge Ross.

Upon further examination of the records of the Commission, it is found in Docket "B", page 216, case 4255, that W. B. Rogers applied for admission to Cherokee citizenship before the Dawes Commission; petition filed September 9, 1896, and the application was denied by the Commission; appeal was taken to the United States Court, and the decision of the Commission was reversed by the Court in Court Case No. 132, and the applicant was admitted.

Q How old is your wife now? A 54.

(The authenticated roll of 1880 examined, and the name of the applicant, nor any of his family, are found of record thereon).
(The census roll of 1896 examined, and the name of the applicant, nor any of his family, are found of record thereon).

Q Did your wife draw Cherokee strip money? A Yes sir.

By J. L. Baugh, representative of the Cherokee Nation-
Q Your wife went and applied before the Revising Committee at Tahlequah, did she not? A No sir, she did not.
Q Didn't she go up the same time that Mrs. Scott went up there? A No sir; the only she went to Tahlequah after she was enrolled was with Mrs. Sanders.

Upon examination of the pay roll of 1894, the applicant's wife appears on page 1136, No. 2674, as Katie D. Rogers, in Tahlequah district.

Examination continued by Mr. Baugh-
Q Where was your wife born at, in which Nation? A In the Cherokee Nation.
Q How long did she live in the Cherokee Nation before she moved to the Creek Nation? A She moved from the Cherokee Nation when she was quite young; she moved to Texas.
Q You know how long she lived in Texas? A No sir, I do not. She was about 21 years old when she came back from Texas. She came back after the war.

3- W.B.R.

Q You know whether or not she and her folks ever went back and were readmitted to citizenship in the Cherokee Nation? A They made application to Council and were recognized.
Q Did the Council admit them? A Admitted them, yes sir. I don't recollect what year; it was during William P. Adair's life time.
Q You said awhile ago that your place was right on the line - did you continue to have any improvements in the Cherokee Nation after your marriage? A No sir.
Q Have you any now? A No sir.

Cross-examination.

Q [illegible] any evidence of your [illegible] to citizenship after your return from Texas? A I think it is on the books or act of Council in the Cherokee Nation.
Q You have no copy of readmission? A [illegible] the act of readmission? A [illegible] sir, I have a certificate too; I don't know whether it is on file with the takers that I made application to or not. I [illegible] whether it is or whether I have it at home. I [illegible] the clerk at Tahlequah there.

Commissioner's decision:-

The applicant is shown to have been admitted to citizenship by decree of the United States Court, Judge Springer, presiding, in case No. [illegible], on appeal from his application in 1896 to the Dawes Commission. He states that he and his wife were married in 1[illegible], and have lived together ever since. He does not present a Cherokee license and certificate of marriage, and he is not found upon any roll of the Cherokee Nation, and neither he, or his wife, have lived in the Cherokee Nation since their marriage in 1[illegible], but have lived continuously in the Creek Nation, nor has the applicant possessed any improvement in the Cherokee Nation since 1[illegible] date. His wife is identified on the roll of 1894, but not on other roll, and the applicant states that she has been enrolled as a "free" citizen with their children, and that she had been allotted land as a Creek. He further states that his wife moved to the State of Texas when she was very young, and returned to the Cherokee Nation (he now says Creek Nation) when she was [illegible] years of age. He claims that she was readmitted to Cherokee citizenship, and thinks that the certificate of her readmission is on file with the Court papers or at home. The applicant has lived in the Cherokee Nation since his admission by the United States Court. From the further consideration of this case and the testimony stated, he will now be listed for enrollment to the Cherokee by intermarriage upon a doubtful card and the Cherokee representative protests against his enrollment under the conditions shown by proof and because, as they allege that evidence before the United States Court was an unreliable character.

(Statement by applicant:- I want to say that I remarried in the Cherokee Nation about a year after the divorce.

E.T. [illegible], [illegible], [illegible], stated at an stenographer to the Commissioner to the Five Civilized Tribes, he [illegible] the testimony and proceedings in the above case, was that the foregoing is full, true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this 16th day of February, 1901.

Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

R 4 1

Cherokee D 1108

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 19,1902.

In the matter of the application of W.B.Rogers for the enrollment of himself as a Cherokee citizen.

Appearances:
N.A.Gibson, Muskogee, I.T., attorney for applicant;
W.W.Hastings, attorney for the Cherokee Nation.

BY COMMISSION: The applicant was notified by registered letter February 28th,1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commissionat its offices in Muskogee, Indian Territory on the 19th day of March,1902. Applicant this day appears by his attorney, N.A.Gibson.

BY MR. GIBSON: We close the case.

W.B.ROGERS, being first duly sworn and being examined on behalf of the Cherokee Nation testified as follows:
BY MR. HASTINGS:
Q What is your name? A Woods B. Rogers.
Q What is your age? A 6 5.
Q You are a white man? A Yes sir.
Q What is your wife's name? A Kate D. Rogers.
Q How long have you been living with her? A 33 years.
Q Where did she take her allotment? A In the Creek Nation.
Q In the Creek Nation? A Yes sir.
Q She is a Creek is she? A Yes sir.
BY MR. HASTINGS: Comes now the representatives of the Cherokee Nation and refer the Commission to the Will E. Linton case, versus the Cherokee Nation, same being Court No.253, as a decision which should govern in this case.

BY COMMISSION: The attorney for the applicant and the representative of the Cherokee Nation present submit the case; same is deemed completed, and will be reported to the Commission for final decision based upon the evidence now of record.

The attorney for the applicant requests and will be granted 15 days in which to file a brief in this case, one copy with the Commission and one copy with the representative of the Cherokee Nation.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

Cherokee D-1108.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., September 29, 1902.

In the matter of the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation; he being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Woods B. Rogers.
Q How old are you at this time? A 66.
Q What is your postoffice address? A Checotah, I.T.
Q You claim as an intermarried citizen of the Cherokee Nation? A Yes sir.
Q Are you the same Woods B. Rogers for whom application was made to this Commission on February 18, 1901? A Yes sir.
Q What is your wife's name? A Kate D. Rogers.
Q Is she a Cherokee citizen? A She is a Cherokee by blood.
Q When were you and she married? A On the fourth day of March, '69.
Q Is she living? A Yes sir.
Q Were you ever married prior to your marriage to her? A No sir.
Q Was she ever married before she and you were married? A No sir.
Q Have you and she lived together continuously as husband and wife since the date of your marriage up until the present time? A Yes sir.
Q And you are living together now as husband and wife? A Yes sir.
Q You never have been separated? A No sir.
Q You have never bee married to any other woman? A No sir.
Q How long have you been living in the Cherokee Nation? A I am not living in the Cherokee Nation, I am living in the Creek Nation.
Q How long have you lived in the Indian Territory? A Since 1861.
Q Never made your home anywhere else except in the Indian Territory? A No sir.
Q Has your wife lived in the Indian Territory ever since you were married? A Yes sir.
Q Have you got any children under 21 years old? A They are all married.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings inthis case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger

Subscribed and sworn to before me this 16th day of October, 1902.

[illegible]
Notary Public.

Cherokee D-1106.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Woods F. Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

The record in this case shows that on February 10, 1901, Woods F. Rogers appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 11, and September 28, 1902.

The evidence shows that the said Woods F. Rogers filed his application with the Commission to the Five Civilized Tribes, under the act of June 10, 1896 (29 Stats., 321), to be admitted to citizenship in the Cherokee Nation; that his said application was denied by the Commission and that on appeal to the United States Court in Indian Territory for the Northern District, the decision of the Commission was reversed and the said Woods F. Rogers was admitted by the decree of said Court, as a citizen by intermarriage of the Cherokee Nation.

The evidence further shows that Kate E. Rogers, the applicants wife, has made her election to be enrolled as a citizen of the Creek Nation and to take her allotment of land in said Nation.

The evidence further shows that the said Woods F. Rogers has resided in the Indian Territory ever since his admission to citizenship.

It is the opinion of this Commission that, inasmuch as the applicant was admitted to citizenship in the Cherokee Nation by a judgment of the United States Court, his wife's election to be enrolled as a citizen of the Creek Nation is not considered to affect the applicant's rights as an intermarried Cherokee citizen, and that he should therefore be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress of June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby, Chairman.

Clifton Wharton, Commissioner.

C. R. Breckinridge, Commissioner.

Muskogee, Indian Territory,

This 20 1903

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee, I. T. December 5th 1902.

In re the application of Woods B. Rogers for enrollment as a citizen by intermarriage of the Cherokee Nation.

Cherokee D 1108.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the decision rendered by the Commission on November 20th 1902 in this case and asks that the same be forwarded to the Honorable Secretary of the Interior for Review. Attention is called to the brief filed by the Cherokee Nation in this case.

The record shows that this mans wife has elected to take her allotment in the Creek Nation and the case is exactly similar to the Will E. Linton case decided by the United States Court for the Northern District upon appeal from the Commission to the Five Civilized Tribes in 1896. It is true the applicant was admitted in 1896 as a citizen by intermarriage ~~xxxxxxxxxx~~ but it was on the theory that his wife was a Cherokee only. The Curtis bill provides that those of part Cherokee and part Creek blood must elect to take in one or the other nation but can not take in both. Awhile prior to 1896 they were in a habit of being carried upon both rolls where payments were made in either nation. We contend that since his wife has elected to take in the Creek Nation and renounces her Cherokee Citizenship that in as much as the applicant claims through his wife that under the decision of the United States Court in the Will E Linton case he is not entitled to be enrolled as a citizen of the Cherokee Nation by intermarriage.

Respectfull submitted,

William Hastings

Attorney for the Cherokee Nation.

No. 1168

W. B. Rogers

vs

Cherokee Nation

Brief of appellant

N. A. GIBSON,
ATTORNEY-AT-LAW,
MUSKOGEE,
IND. TER.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

On Page 18 of "A Record of Persons Admitted to Cherokee Citizenship by the National Council and Supreme Court since the Treaty of 1866" appears among other things, the following:

Rogers---W.B.	Dec. 16 '70	Admitted	White	must marry lawfully
" Kate D	" " "	"	"	" " "

It is hereby ordered that this supplemental statement be filed with and made a part of the record in the matter of the application of Woods B. Rogers, for enrollment as a citizen by intermarriage of the Cherokee Nation.

Commissioner

Dated this 15th day of February, 1907.

T.W.L. Cherokee D 1108

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Woods B. Rogers as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, February 16, 1901, application was received by the Commission to the Five Civilized Tribes for the enrollment of Woods B. Rogers, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 19, 1902 and September 29,1902. That on November 20,1902, it appearing that the said Woods B.Rogers had, in a decision reversing the decision of the Commission to the Five Civilized Tribes, been admitted to citizenship as a citizen by intermarriage of the Cherokee Nation by a decree of the United States Court in Indian Territory for the Northern District, and that the said Woods B. Rogers had resided in Indian Territory since his admission to citizenship, the Commission to the Five Civilized Tribes rendered its decision herein, granting the application of the said Woods B. Rogers for enrollment as a citizen of the Cherokee Nationby intermarriage; that thereafter, the Cherokee Nation filed a protest herein, protesting against the enrollment of the said applicant, as heretofore stated, for the reason that the applicant's wife, Kate D. Rogers, through whom he claims his right to enrollment, had elected to take her allotment in the Creek Nation; that on December 13,1902, the record in the matter of this application was forwarded to the Department; that on November 30,1906(I.T.D. 1552- 1903) the First Assistant Secretary of the Interior stated that the said election of the said Kate D. Rogers, to be enrolled as a citizen of the Creek Nation, did not affect the right of this applicant to enrollment as an intermarried Cherokee citizen; that he should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section 21 of the Act of Congress approved June 28,1898(30 Stats., 495), and authorized this office to place said applicant's name upon the proper roll, should no further objection appear; that on December 14, 1906, the Commissioner to the Five Civilized Tribes addressed a communication to the Department and recommended, before the name of Woods B. Rogers be placed upon the schedule of citizens of the Cherokee Nation and forwarded for Departmental approval, that he be summoned before it and required to establish his right to enrollment as a citizen by intermarriage of the Cherokee Nation under the decision of the Supreme Court dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 124, 126, 127 and 128.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Woods B. Rogers, is a white man and claims his right to enrollment as a citizen of the Cherokee Nation by virtue of his

marriage to Kate D. Rogers, nee Drew, who has been enrolled as a citizen of the Creek Nation, and whose name, together with that of Mary R. Rogers, a child of the said Woods B. Rogers and Kate D. Rogers, is found upon the approved partial roll of citizens by blood of the Creek Nation, opposite No. 596 and 597 respectively, in 1869, under a Cherokee tribal license issued out of the Canadian District of the Cherokee Nation. A careful examination of Book B of the Record of Marriages and Licenses issued from the years 1869 to 1890, in the possession of this office, fails to show that any tribal license was issued for the marriage of the said applicant and the said Kate D. Rogers. It further appears from "A Record of Persons admitted to citizenship by the National Council and Supreme Court since the treaty of 1866," that the said Woods B. Rogers and the said Kate D. Rogers were not admitted to Cherokee citizenship until December 16, 1870 and that the admission of the former was conditional, in that he was "White, must marry lawfully." Said applicant did not therefore, marry in accordance with Cherokee law a recognized citizen by blood of the Cherokee Nation prior to November 1,1875.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5,1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Woods B. Rogers, is not entitled under the provisions of section 21 of the Act of Congress approved June 28,1898(30 Stats., 495) to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory

this _____

There is no evidence ~~of~~ or that subsequent to the admission of said Kate D. Rogers, a license was issued to the said Kate D. Rogers, the applicant herein, or that the marriage of the applicant herein, without the names of the applicant's wife are found upon the Cherokee tribal rolls of the Dawes Commission to offer any evidence to show that the applicant has further

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1108

Muskogee, Indian Territory, February 28, 1902.

Mr. Woods B. Rogers,

Checotah, Indian Territory,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 19 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, that you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Register.

Yours truly,

Commissioner in Charge.

SEP 28 1962

ACTING CHAIRMAN

Cherokee D-1108.

Muskogee, Indian Territory, November 26, 1902.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Terri tory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc. H-186.

Cherokee D 1108.

Muskogee, Indian Territory, December 13, 1902.

Woods B. Rogers,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, granting your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation. There has this day been forwarded your attorney, N. A. Gibson, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.
Enclosure H. No. 185.

Acting Chairman.

COPY.

Cherokee D 1108.

Muskogee, Indian Territory, December 13, 1902.

N. A. Gibson,

Attorney for Woods B. Rogers,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the Commission's decision, dated November 20, 1902, granting said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Acting Chairman.

Register.
Enclosure H. No. 186.

Cherokee D 1108.

Muskogee, Indian Territory, December 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated November 20, 1902, granting the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, a copy of which decision was furnished you on November 26, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Cherokee D 1108.

Muskogee, Indian Territory, December 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Woods B. Rogers for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No.187.

Land.

74935-1903.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON. Feby. 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated December 13, 1902, forwarding, for the Department's consideration, the record relative to the application of Woods B. Rogers, for enrollment as an intermarried citizen of the Cherokee Nation.

November 20, 1902, the Commission held that the applicant was entitled to enrollment as an intermarried citizen of the Cherokee Nation.

The Cherokee Nation, by its attorney, protests against the Commission's decision. The Nation's attorney invites attention to the holding of the United States Court for the Northern District of the Indian Territory in the William E. Linton case, which was appealed from the Commission's decision in 1896. The attorney does not quote from the decision, but a quotation therefrom will be found in office report of February 10, 1902, transmitting the record relative to the application of C. Howard Davis for enrollment as an intermarried citizen of the Cherokee Nation.

The record in this case shows that the applicant applied to the Commission in 1896 for admission to citizenship in the Cherokee Nation; that his application was denied; that an appeal was taken from the Commission's decision; that the United States Court for the Northern

District of the Indian Territory reversed the Commission's decision and admitted to citizenship in said Nation, as an intermarried citizen, Woods M. Rogers.

The record also shows that the wife of the applicant, Kate D. Rogers, has elected to be enrolled as a citizen of the Creek Nation.

From the record it appears that the applicant's wife was entitled to rights in the Cherokee and Creek Nations and that, in accordance with the provisions of the Curtis Act, she has elected to take her allotment in the Creek Nation.

The testimony shows that the applicant and his wife were married in accordance with the laws of the Cherokee Nation in 1869.

The Court in the Linton case held that if Pauline M. Linton elected to be enrolled as a citizen of the Cherokee Nation, her husband and minor children should also be enrolled as citizens of that Nation, but that if she elected to be enrolled as a citizen of the Creek Nation, she and her children should be enrolled as citizens of the Creek Nation, and that her husband should not be enrolled as a citizen of either the Creek or Cherokee Nations.

The Court having declared that Woods M. Rogers was entitled to citizenship in the Cherokee Nation as an intermarried citizen, the office does not believe that the fact that his wife has elected to take her allotment in the Creek Nation, invalidates or in any manner whatsoever affects his rights to citizenship in the Cherokee Nation, and it therefore respectfully recommends that the Commission's decision declaring the applicant entitled to enrollment as an intermarried citizen of the Cherokee Nation be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW
O

(COPY)

D.C. 53192-1906. Y.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON. FHE.

I.T.D. 1552-1903. November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 13, 1902, the Commission to the Five Civilized Tribes transmitted the papers in the matter of the application of Woods B. Rogers for enrolment as a citizen by intermarriage of the Cherokee Nation. The case has been held awaiting the decision of the Supreme Court in the case of Daniel Red Bird, et al., vs. the United States, in which the Court rendered its decision November 5, 1906.

It is shown by the record in the Rogers case that he was admitted to citizenship in the Cherokee Nation as a citizen by intermarriage by the United States Court in the Indian Territory for the Northern District, in accordance with the provisions of the act of June 10, 1896 (29 Stat., 321). It is shown that Kate D. Rogers, the applicant's Cherokee wife, has made her election to be enroled as a citizen of the Creek Nation and to take her allotment in said nation.

The Commission to the Five Civilized Tribes, in its decision of November 20, 1902, held that inasmuch as the applicant was admitted to citizenship in the Cherokee Nation by the judgment of the United States Court, his wife's election to be enroled as a citizen of the Creek Nation is not considered to affect the appli-

cant's rights as an intermarried Cherokee citizen, and that he should be enroled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of section 21 of the act of June 28, 1898 (30 Stat.,495).

The Cherokee Nation by its attorney protests against the Commission's decision. The nation's attorney invites attention to the holding of the United States Court for the Northern District for the Indian Territory in the William E. Linton case. The Court in that case held that if Pauline B. Linton elected to be enroled as a citizen of the Cherokee Nation her husband and minor children should also be enroled as citizens of that nation, but that if she elected to be enroled as a citizen of the Creek Nation she and her children should be enroled as citizens of that nation and that her husband should not be enroled as citizens of either the Creek or Cherokee Nations.

The Indian Office, in letter of February 14, 1903, submitting the report of the Commission of December 13, 1902, expressed the opinion that as the Court had declared Rogers entitled to citizenship in the Cherokee Nation as an intermarried citizen, the fact that his wife had elected to take her allotment in the Creek Nation did not invalidate or in any manner affect Rogers' rights to citizenship in the Cherokee Nation, and it recommended that the decision of the Commission in favor of Rogers be affirmed.

The Court of Claims held in its decision in the case of Red Bird et al., which decision was affirmed by the Supreme Court, that such white persons residing in the Cherokee Nation as became Cherokee citizens under Cherokee laws by intermarriage with cherokees

by blood prior to the first day of November, 1875, are equally interested in and have equal per capita rights with Cherokee Indians by blood in the lands constituting the public domain of the Cherokee Nation, and are entitled to be enroled for that purpose.

There is some question whether the applicant was married to his Cherokee wife in accordance with Cherokee laws; apparently he was. He states that he procured a regular license though he did not get a certificate of marriage; that he supposed that the license and certificate of marriage were destroyed. It appears that he and his wife were married in 1869, and have resided in the Indian Territory since that time. The Department considers the applicant entitled to enrolment under section 21 of the act of June 28, 1898 (30 Stat., 495), and you are authorized to place his name upon the proper roll, should no further objection appear. Advise the attorney for the Nation hereof.

A copy of the Indian Office letter is inclosed. The papers in the case have been returned to that office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind. Of.

Muskogee, Indian Territory, December 14, 1906

DIRECT

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of November 30, 1906 (I.T.D. 1552-1903), granting the application for the enrollment of Woods B. Rogers as a citizen by intermarriage of the Cherokee Nation, under Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) , and authorizing this office to place his name upon a final roll should no further objection appear.

The decision of the Commission to the Five Civilized Tribes of November 20, 1902, which the Department affirmed, granted the application for the enrollment of said Rogers, for the reason that he was admitted to citizenship in the Cherokee Nation as an intermarried citizen, by a judgment of the United States Court for the Northern District of Indian Territory, under the provisions of the Act

of Congress approved June 10, 1896 (29 Stat. 321).

The applicant based his claim for admission to citizenship in the Cherokee Nation by reason of his marriage to his wife, Kate D. Rogers, who, he alleges, was a Cherokee by blood, but who, the records show, elected to be enrolled , and has received her allotment of land, as a citizen of the Creek Nation. He claims to have been married to his said wife in the year 1869, but he failed to make proof to the Commission as to his compliance with Cherokee law in regard to his marriage, or that he was regularly married to her.

Under the decision of the Supreme Court of the United states of November 5, 1906, in the case of Daniel Redbird et al., versus the Cherokee Nation, the applicant is entitled to enrollment only on the condition that his wife, by reason of his marriage to whom he claims his citizenship, was a Cherokee citizen, and that he was married to her accordi ng to Cherokee law. It appears that before the applicant should be enrolled as a citizen by intermarriage of the Cherokee Nation he should be required to establish that his wife at the time of his marriage to her, was a recognized citizen of the Cherokee Nation, and that

he was married to her according to Cherokee law.

This office therefore respectfully recommends that before the name of Woods B. Rogers be placed upon a schedule of citizens of the Cherokee Nation and forwarded for Departmental approval, that he be summoned before it and required to establish his right to enrollment as a citizen by intermarriage of the Cherokee Nation under the decision of the supreme Court of November 5, above referred to.

No notice of the Department's action in this case will be given the attorney for the Cherokee Nation and the applicant, until further advised by the Department.

Respectfully,

L M B

Commissioner

LAND

113106-1906
105039-1906

January 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of December 27, 1906, enclosing a letter from the Commissioner to the Five Civilized Tribes, dated December 14, 1906, in which reference is made to Departmental letter of November 30, 1906, addressed to the Commissioner, authorizing the enrollment of Woods B. Rogers as a citizen by intermarriage of the Cherokee Nation, "should no further objection appear". The Commissioner's letter was addressed directly to the Department and was not transmitted through this Office.

Therein he says that the applicant, Woods B. Rogers, bases his claim for admission to citizenship in the Cherokee Nation on his marriage to Kate D. Rogers, who, he alleges, was a Cherokee by blood, but who elected to be enrolled, and has received her allotment of land as a citizen of the Creek Nation. The applicant claims to have been married to his wife in the year 1869, but has failed to make proof to the Commissioner as to his compliance with the Cherokee law in regard to his marriage, or that he was legally married to her.

Referring to the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, the Commissioner expresses the opinion that before the applicant should be enrolled as a citizen by intermarriage of theCherokee Nation, he should be required to establish that his wife at the time of his marriage to her was a recognized citizen of the Nation and that he was married to her according to Cherokee law, and suggests that before his name be placed on a schedule of citizens of the Nation and forwarded for Departmental approval, that the applicant be summoned before the Commissioner and required to establish his right, as above. The recommendation of this Office is requested in the matter.

It appears from the evidence in this case that Woods B. Rogers filed his application with the Commission under the Act of June 10, 1896 (29 Stat., L. 321), to be admitted to citizenship in the Cherokee Nation; that his application was denied by the Commisson, and that he appealed to the United States Court for the Northern District of Indian Territory. The decision of the Commission was reversed and Woods B. Rogers was admitted as a citizen by intermarriage of the Cherokee Nation by the Court.

The wife of the applicant, Kate D. Rogers, being entitled to enrollment in both the Creek and Cherokee Nations, has selected to be enrolled as a citizen of the former.

The Office, in letter of February 14, 1903, expressed the

opinion that the applicant, having been declared by the Court to be entitled to enrollment in the Cherokee Nation, as a citizen by intermarriage, his right was not affected by his wife's election to be enrolled in the Creek Nation.

This view was sustained by the Department in letter of November 30, 1906 (I.T.D. 1552-1903), in the course of which it is remarked that there is some question whether the applicant was married in accordance with Cherokee laws.

The applicant testifies that he procured a regular license, although he did not get a certificate of marriage; that he supposed the license and certificate of marriage were destroyed. He and his wife were married in 1869, and have lived in the Indian Territory since that time.

In Departmental letter of December 27, 1906, (I.T.D. 25368-1906) it is said:

> Presumably the United States Court which "admitted" Rogers to citizenship . . . . . in accordance with the . . . . . Act of June 10, 1896, (29 Stats. L., 321) considered the question whether the applicant was married in accordance with such laws.

In view of the fact that the applicant's marriage occurred in 1869, and the probabilities of the records being destroyed as he testifies, being therefore very great; that he and Kate D. Rogers have lived in the Territory as man and wife continuously since their marriage; and in view of the serious doubt as to the authority of the Commissioner to further inquire into the applicants rights which have been established by a court having jurisdiction and whose decisions are made final by the law conferring that jurisdiction, it is recommended that the applicants

name be enrolled as a Cherokee intermarried citizen, in accordance with Departmental letter of November 30, 1906, above referred to.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A. J. W.-EL

J.P.
S.P.

COPY

DEPARTMENT OF THE INTERIOR,

D.C. 9329-1907.

WASHINGTON.

I.T.D.1042-1907.

L.N.S.

February 11, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to your letter of December 14, 1906, relative to the application for the enrollment of Woods B. Rogers as a citizen by intermarriage in the Cherokee Nation, you are directed to enroll the applicant in accordance with decision of the Department of November 30, 1906, and the recommendation of the Indian Office of January 15, 1907, submitting your report of December 14, 1906.

A copy of Indian Office letter is enclosed.

All the papers in the matter have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 8 to Ind. Of.

Muskogee, Indian Territory, March 1, 1907.

SPECIAL.
Direct.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 11, 1907, (I.T.D.1042-07), directing the enrollment of Woods B. Rogers as a citizen by intermarriage of the Cherokee Nation, there is enclosed herewith a schedule containing his name.

This schedule was not transmitted with the schedules transmitted February 28, 1907, for Departmental approval, through an inadvertence.

In the event of the approval of this schedule it is recommended that a number be placed thereon by Mr. McGarr, the employee of my office now in Washington.

Respectfully,

Commissioner.

J.O.R.
Enc.L-1.

Cherokee D 1108

COPY

Muskogee, Indian Territory. March 14, 1907.

Wood R. Rogers,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 14, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-64

RPI

COPY

Cherokee D 1108

Muskogee, Indian Territory, March 14, 1907.

W. A. Gibson,

Attorney for Wood B. Rogers,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 14, 1907, granting the application for the enrollment of Wood Rogers, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 11, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Enc I-70

RPI

Cherokee D 1108 COPY

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advisedthat the decision of the Commissioner to the Five Civilized Tribes, dated December 14, 1907, granting the application for the enrollment of Wood R. Rogers as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 11, 1907.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc I-63

RPI

Cher IW 257

Cher IW 257

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2 1900.

In the matter of the application of Michael Mulcare for the enrollment of himself and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Michael Mulcare.
Q What is your age? A 57.
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q Are you a recognized citizen of the Cherokee Nation by blood or intermarriage? A Intermarriage.
Q For whom do you apply for enrollment? A Four children.
Q Your wife? A No sir, she is dead.
Q Your self and four children? A Yes sir.
Q What is the name of your wife? A I have had two wives; the mother of the four children is Tennessee.
Q She a citizen by blood? A Yes sir.
Q Whatwas her name before you married her? A Parris.
Q Did you marry her before 1880? A No sir, since.
Q Is your name upon the roll of 1880? A Yes sir
Q Is your wife's name on the roll of 1880? A I guess it is.
Q Your last wife? A Yes sir, her name is on it, but we wasn't married then.
Q Have you been married since? A No sir.
Q Both of your wives, as I understand them, were Cherokee citizens by blood? A They was.
Q What are the names of your children? A Minnie, she is 14 I think.
Nora, 11; Sterling P., 9; Ella, 5.
Q Are these children alive and living with you? A Yes sir.
Q How long have you lived in the Cherokee Nation? A About 30 Years.
Q What is the name of the mother of these children? A Tennessee
Q Your last wife or first? A Last wife.
Q Got no children by your first wife? A Yes sir, but they are all grown.
1880 roll page 455 #1182 asMike Mulcar Goingsnake District.
1880 roll page 459 #1234 as Tennie Parris Goingsnake District;
1896 roll page 581 #367 as Mike Mulcar Delaware District;
1896 roll page 507 #2169 Minnie Mulcar "
1896 roll page 507 #2170 Nora Mulcar "
1896 roll page 507 #2171 Sterling P. Mulcar "
1896 roll page 507 #2172 Ella Mulcar "
Q Are these children alive and living with you at this time?
A Yes sir.
Q Have you lived continuously in the Cherokee Nation since 1880?
A Yes sir.
Q Living there now? A Yes sir
Q Not married at the present time? A No sir

Com'r Needles: The name of Michael Mulcare a pears upon the authenticated roll of 1880; name of his wife Tennessee appears upon the authenticatedroll of 1880 as Tennie Parris, she now being deceased; his name appears upon the census roll of 1896, as well as the names of his children by his wife Tennessee, namely, Minnie Nora, Sterling P. and Ella; they al being duly identified according to page and number of the rolls as indicatedin the testimony, and the sad Michael Mulcare will be duly listedfor enrollment as a Cherokee citizen by intermarriage, and his children as Cherokee citizens by blood.

M.D.Green, being first duly sworn, statesthat as stenographer to

the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of October 1900.

Commissioner.

Cherokee 3980.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 28, 1902.

In the matter of the application of Michal Mulcare for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his four minor children, Minnie, Nora, Sterling P. and Ella Mulcare, as citizens by blood, of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

MICHAL MULCARE, being sworn, testified as follows:

By the Commission,

Q What's your name, please? A Michal Mulcare.
Q How old are you, Mr. Mulcare? A Fifty-nine.
Q What is your postoffice? A Pensecola.
Q Indian Territory? A Yes, sir.
Q It was Vinita when you made your original application, was it?
A Yes, sir.
Q Are you an applicant for enrollment as an intermarried citizen of the Cherokee Nation? A Yes, sir.
Q What's your wife's name? A My wife's dead. Her name was Tennessee.
Q When did she die? A Three years ago last December.
Q Three years ago? A Yes, sir.
Q Was she a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q When were you married to her? A Well, I don't believe I can tell the date.
Q Well, I don't know that I could tell you. I guess we had been married about ten years or twelve years when she died. I don't recollect exactly.
Q Were you married to her under Cherokee license? A No, we had been married before.
Q You were married just as one Indian married another? A Yes, sir.
Q Had you been married before you married your wife, Tennessee?
A Yes, sir.
Q Whar was your first wife's name? A Nancy J. Parris.
Q when were you married to your wife, Nancy J.? A I don't know whether I could tell you that ot not.
Q How long ago has it been? A Oh, it has been over thirty years, I guess, right about thirty.
Q About thirty years ago? A Yes, sir.
Q You're on the '80 roll with your wife, Nancy J.? A Yes, sir.
Q Now, are these two women, Nancy J. and Tennessee, the only women you have ever been married to? A Yes, sir.
Q Did you live with your wife, Nancy J., from 1880 up until the time she died? A Yes, sir.
Q You and Nancy J. were never separated during her lifetime?
A No, sir.
Q Then, after Nancy's death, you married your wife, Tennessee?
A Yes, sir.
Q And she was also a Cherokee? A Yes, sir.
Q Did you and your wife, Tennessee, live together from the time of your marriage up until her death? A Yes, sir.
Q You and she were never separated during her lifetime? A No, sir.
Q Now, since her death, have you married again? A No, sir.

Q Were you a widower and still a single man on the first day of September, 1902? A Yes, sir.
Q Have you lived in the Cherokee Nation all the time since '80 up to the present time? A Yes, sir.
Q Never lived out of the Nation since that time? A No, sir.
Q Now, these children, Minnie, Nora, Sterling P. and Ella, are they your children by your wife, Tennessee? A Yes, sir.
Q Are these children all living? A Yes, sir.
Q Lived all their lives in the Cherokee Nation, have they?
A Yes, sir.

Retta Chick, being first duly sworn, states that, was stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Chick

Subscribed and sworn to before me this 3rd day of December, 1902.

T. P. Ritter
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AUXILIARY CHEROKEE LAND OFFICE.

Muskogee, Indian Territory, April 21, 1905.

In the matter of the application of Michal Mulcare to select allotments in the Cherokee Nation for Nora, Sterling P. and Ella Mulcare, Cherokee citizen roll No.s. 9626, 9627 & 9628, respectively, Field Card No. 3980.

Michal Mulcare, non-citizen father, being sworn, testified as follows:

Examination by the Commission:
Q What is your name? A Michal Mulcare.
Q What is your post office address? A Pensacola.
Q What is your age? A 62.
Q Do you claim any rights to citizenship in the Cherokee Nation, either by blood or adoption? A I am an adopted citizen.
Q Is your object in appearing before the Auxiliary Cherokee Land Office of the Commission today to select allotments for your minor children? A Yes sir.
Q What are their names? A Minnie, Nora, Sterling and Ella.
Q How old is Nora? A 16.
Q Sterling P.? A 13.
Q And Ella? A 9.
Q Has anyone ever been appointed guardian for these children? A No sir.
Q Is their mother living? A No sir.
Q When did she die? A She's been dead about 6 years.
Q What was her name? A Tennessee Mulcare.
Q These children make their home with you do they? A Yes sir.
Q Have you been notified by the Commission to come in and f ile for these children? A Yes sir.

Witness offers letter from the Commission to the Five Civilized Tribes, dated April 27, 1905, in which they notify him to appear before the Cherokee Land Office and select land for his minor children, on or before April 15, 1905.

Q Is the land that you desire to have allotted to your minor children under improvement and in cultivation? A Partly.
Q In your possession? A Yes sir.
Q Does it lie west of the Grand and Arkansas rivers? A Yes sir.
Q In what district? A Delaware.
Q Has anyone ever before this time appeared at the Vinita or the Tahlequah Offices to select an allotment for them? A Not that I know of.

WITNESS EXCUSED.

Blanch Ashton upon oath states that as stenographer to the Commission to the Five Civilized Tribes she accurately reco rded the testimony in the above entitled cause and that the foregoing is a correct transcript of her stenographic notes thereof.

Blanch Ashton

Sworn and subscribed to before me this 21st day of April, 1905.

R. S. Hauck

Notary Public.

F.R. Cherokee 3980.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., February 1, 1907.

In the matter of the application for the enrollment of Michal Mulcare as a citizen by intermarriage of the Cherokee Nation.
Cherokee Nation represented by H. M. Vance.

Michal Mulcare being first duly sworn by Frances R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A Michal Mulcare.
Q What is your age? A About 64
Q Your postoffice address? A Pensacola, I. T.
Q You are a white man are you? A Yes sir.
Q You claim right to enrollment as a citizen by intermarriage of the Cherokee nation? A Yes sir.
Q Your claim to such right is solely by virtue of your marriage to a citizen of that nation? A Yes sir.
Q What is the name of that citizen through whom you claim that right . A Her name was Nancy Jane Paris.
Q When were you married to Nancy Jane Paris? A I would not be positive but it was either 1871 or 1878.
Q Where were you married? A Going Snake District.
Q Who performed the marriage ceremony? A I don't know whether I could tell that.
Q A judge or minister? A No, it was not a preacher; it was either the clerk or judge.
Q Was that marriage under a license of the Cherokee nation?
A Yes sir
Q Who issued the license to you? The clerk of Going Snake District? A Yes. I didn't go and get the license myself; the clerk or judge, whichever it was, came to my house.
Q You have no documentary evidence, papers or evidence, showing that marriage? A No, no papers at all.
Q At the time you married Nancy Jane Paris was she a citizen by blood of the Cherokee nation? and recognized as such?
A Yes sir, she was
Q Were you ever married before you married Nancy Jane Paris?
A I never was.
Q Had she ever been married before she married you? A Yes, she was a widow. Her first husband was Robert Paris.
Q She had been married just once before she married you?
A Yes sir.
Q Was Robert Paris living at the time she married you?
A No, he was dead
Q Was Nancy J. Paris born in the Cherokee nation? A Yes sir.
Q Lived there all her life until she married you? A Yes, raised there.
Q Is she living at this time? A No sir.
Q When did she die? A I don't know as I can tell; been dead a number of years.
Q About how long? A Somewhere in the neighborhood of twenty

years or more. I don't recollect the date.
Q Did you and Nancy Jane Mulcare live together as husband and wife and reside in the Cherokee nation until her death?
A Yes sir.
Q You never separated? A No sir.
Q From the time of her death on until the present time have you continued to reside in the Cherokee nation? A Yes sir.
Q Have you married since the death of Nancy Jane Mulcare?
A Yes sir.
Q What is the name of your second wife? A Tennessee Paris.
Q Was Tennessee at the time of your marriage to her a recognized citizen by blood of the Cherokee nation? A She was.
Q Was she related to your first wife? A She was her daughter, a step-daughter of mine.
Q Is this second wife of yours living at this time?
A No, she has been dead something like eight years.
Q Did you live in the Cherokee with her during her lifetime, that is, from the time of your marriage to her until her death?
A I did.
Q Have you married since Tennessee Paris died? A No sir.
Q You have continued to live in the Cherokee nation?
A Yes sir.
Q Have you got any witnesses who were present at your marriage to Nancy Jane Paris?
A These two witnesses was not present but they was in the neighborhood.
Q Was there anyone present who saw you married? A If there is anyone living I can't call it to mind.

By Mr . Vance:
Q Have you got any record at all by which you fix the date of your first marriage? Any kind of a record that helps you to remember the date of your first marriage? A I had it put down. I was put in the bible at home, and if I am not mistaken it is put down as 1872.
Q Have you consulted it recently? A I looked at it some two months ago.
Q Can you state positively what the record shows in the Bible? A The Bible is an old Bible and is torn. I am pretty positive it was 1872.
Q Can you state positively what the Bible record shows in regard to it? A That is about as near as I can state unless I had the Bible here. I am prettu positive in my mind that it was 1872.
Q Are you positive that is what the Bible [redacted] shows?
A Yes sir,- Well, I am not really positive about it, but it is to the best of my recollection.
Q You have got the Bible at home? A The Bible is pretty well all torn up. I had the leaves that had this record, and part of that has got destroyed, but I have got them in a trunk.
Q Have you got the leaves in the trunk that shows the date of your marriage? A I think so.
Q Have you got any children by Nancy Jane Mulcare? A Yes sir.
Q Living at the present time? A Yes sir.
Q What is the first one's name? A Emet Mulcare.
Q Is he an enrolled citizen of the Cherokee Nation? A Yes.
Q When was he born? A He was born in the early part of 1873.

Maybe the first part. I think he was born in 1873, but I don't know that I could tell positively what part of the year.

By the Commissioner:
Q Where were you born? A I was born in Ohio.
Q When did you move to the Cherokee Nation? A I moved to the Cherokee nation in about 1871--or I didn't move. I didn't have anything to move but myself.
Q But you came to the Cherokee nation and located there in 1871? A I think so.
Q Then how long was it before you were married to Nancy Jane Paris? A It was not so very long. I don't recollect the exact time; might have been six months or a year.
Q From the time of your marriage to Nancy J. Paris, did you exercise the rights of a citizen of the Cherokee nation from that time? A Yes, I voted every election.
Q Do you remember the election you firse voted in? A No, I don't.
Q Do you remember the name of the man you voted for the first time? A No, I don't, but I know I voted in every election that has been held.
Q Did you ever serve on a jury? A I don't think I was summoned on but one jury.
Q Do you remember what year that was? A No, but it was a number of years after I was married.

Witness excused.

J. R. Garrett, being first duly sworn by Frances R. Lane, testified as follows:
By the Commissioner:
Q What is your name? A J. R. Garrett.
Q Your age? A Fifty-six.
Q Your postoffice address? A Tahlequah, I. T.
Q Did you ever know one Michal Mulcare in the Cherokee Nation? A Yes sir.
Q When did you first know him? A Sometime in the spring of 1873.
Q Where was he living at that time? A Going Snake District.
Q Were you a resident of Going Snake District too? A Yes.
Q Was he married at that time? A Yes, he was married when I came to the country. I came to the country in 1873, and he was married when I came.
Q What was the name of his wife? A We always called her Nan. Nancy Paris, I suppose.
Q From the time you first knew her to the time of her death did they live together as husband and wife? A Yes sir.
Q Lived in the Cherokee nation? A Yes sir.
Q After the death of Nancy J. Mulcare did Michal Mulcare marry again? A Yes sir.
Q What was the name of his second wife? A Her name was Tennessee Paris.
Q She was a step-daughter of Michal Mulcare? A Yes sir.
Q Michal Mulcare and Tennessee Paris resided together as husband and wife and lived in the Cherokee nation up until her death? A Yes sir.
Q Since that time Mr. Mulcare has not remarried? A If he has married he married within the last two or three years. I have known him ever since 1873.
Q You are quite positive are you that these people were

living together and regarded as husband and wife when you first got acquainted with them in 1873? A Yes sir.
A Yes, I lived by him twenty-five years.
Witness excused.

Frank E. Brown, being firstvduly sworn by Frances R. Lane, a Notary Public, testified as follows:

By the Commissioner:
Q What is your name? A Frank E. Brown.
Q What is your age? A Forty-eight.
Q Your postoffice address? A Narcissa, I. T
Q Did you ever know Michal Mulcare in the Cherokee nation
A Yes sir.
Q When did you first know him? A Ever since I was a little boy. I couldn't tell you how long that is.
Q Was he a married man the time you first knew him? A No .
Q Did you ever know his wife, Nancy J. Paris? A Yes, she is a half sister of mine
Q Do you know when they were married? A No, I can't tell you just the date.
Q Can you state about what year it was? A I don't know that I could exactly
Q You were not present at that marriage? A No. She was married; I know that by what I heard over the neighborhood, but I was not there.
Q How big a boy were you at the time of the marriage? A Must have been about 14 years old.
Q You lived in the neighborhood in which they were married?
A Yes, lived about two miles away.
Q The best you can recollect you were about 14 years old at the time they were married? A Yes sir.
Q From the time you first knew of his being married they lived together from that time on as husband and wife until the death of Nancy Jane Mulcare, did they? A Yes sir.
Q Lived in the Cherokee nation all the time did they?
A Yes sir.
Q After the death of Nancy Jane Mulcare, Michal Mulcare married his step-daughter, Tennessee Paris? A Yes sir.
Q And lived with her until her death? A Yes sir.
Q Is it your understanding that at the time of their marriage Nancy Jane Paris was a recognized citizen by blood of the Cherokee nation? A Yes sir.
Q Do you know the name of the oldest child of Michal Mulcare and Nancy Jane Mulcare? A Yes, Emet.
Q Do you know how old he is now, or do you remember when he was born? A No, I don't remember just when he was born.

The applicant, Michal Mulcare, is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District opposite No. 1182, and on the Cherokee census roll of 1886, Delaware District, as Mike Mulcar, page 581, No. 367.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she re ported thw testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this February 8, 1907.

Edward Merrill
Notary Public.

E.C.M. Cherokee 3980.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., FEBRUARY 27,1907.

In the matter of the application for the enrollment of MICHAEL MULCARE as a citizen by intermarriage of the Cherokee Nation.

MARGARET COSTEN ELKINS, being first duly sworn by Walter W. Chappell, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Margaret Costen Elkins.
Q What is your age? A 45.
Q What is your post office? A Westville.
Q You appear here today, do you, for the purpose of giving testimony relative to the right of Michael Mulcare to enrollment as a citizen by intermarriage of the Cherokee Nation? A Yes sir.
Q Is he a white man? A He claims to be.
Q Is his wife a Cherokee? A Yes sir.
Q When were they married? A I cant tell you, I was small.
Q He married your sister, did he? A Yes sir.
Q You do not remember the date of their marriage? A No sir, but I remember that they were married according to the laws of the Cherokee Nation.
Q How do you know they were married in accordance with the laws of the Cherokee Nation? A Simply because there were several there present, and the Clerk, and other people, and they came for the purpose of seeing my sister married.
Q Who was the Clerk? A I dont remember.
Q How do you know the Clerk came there? A Because they said he did.
Q Then you only know it from what other people said? A Yes sir, I was only a small child.
Q You didn't see the license under which they were married? A No.
Q Then, you cannot swear, can you, that they were married under a license? A I didn't see the license.
Q Do you know that they were married under a Cherokee license? A I never saw the license.
Q You saw them married, did you? A Yes sir, I saw my sister and this man married.
Q How old were you then? A 9 or 10 years old, somewheres along there.
Q Then you dont remember much about it, do you? A I remember enough to know that they were married.
Q Is your sister living? A No sir.
Q When did she die? A I dont remember the date.
Q About how long? A Nearly 32 or 33 years.
Q What was the name of your sister? A Nancy Jane Scott. She was a half-sister of mine, and she was a widow ; her first husband was a Cherokee by blood, and his name was Parris.
Q Who is Tennie Parris? A Her daughter.
Q After the death of Nancy Jane Scott, did Michael Mulcare remarry? A Yes sir.
Q What is the name of his last wife? A Tennie Parris.

Q Then he married his daughter-in-law? A His step-daughter.
Q When did he marry her? A I cant remember dates.
Q About how long has it been since he married this last wife?
A About 23 or 24 years.
Q She is the last wife he has married, is she? A Yes sir.
Q She is the daughter of a Cherokee by blood, is she? A Yes sir, her father and mother both were Cherokees by blood.
Q Her father and mother both were Cherokees by blood? A Yes sir.
Q From the time of his first marriage has Michael Mulcare resided in the Cherokee Nation? A Yes sir.
Q He never has lived out of the Cherokee Nation? A No sir.
Q Who did you say married him to his first wife? A I dont remember.
Q But you remember it was the Clerk? A I remember there were some of the neighbors there for the wedding, and I knew that my sister married this man.
Q After their marriage did they reside together continuously as husband and wife? A Yes sir.

(Witness excused).

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she correctly reported the above and foregoing testimony, and that the same is a full, true and complete transcript of her stenographic notes thereof.

Sarah Walker.

Subscribed and sworn to before me this 27th day of February, 1907.

Frances R. Lane.
Notary Public.

E C M

Cherokee 3980.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of MICHAEL MULCARE as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, October 2, 1900 application was received by the Commission to the Five Civilized Tribes for the enrollment of Michael Mulcare as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 28, 1902, April 21, 1905, February 1 and February 27, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Michael Mulcare, a white man, was married in accordance with Cherokee law about 1872 to one Nancy J. Mulcare, formerly Parris, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation. It is further shown that from the time of said marriage until the death of said Nancy J. Mulcare the said Michael Mulcare and Nancy J. Mulcare resided together as husband and wife and continuously lived in the Cherokee Nation. It is also shown that subsequent to the death of said Nancy J. Mulcare the said Michael Mulcare was married to one Tennessee Mulcare, nee Parris, since deceased, who was at the time of said marriage a recognized citizen by blood of the Cherokee Nation, who is identified on the Cherokee authenticated tribal roll of 1880, Going Snake District No.1234 as "Tennie Parris", a native Cherokee marked "Dead". It is further shown that from the time of said marriage until the death of the said Tennessee Mulcare, which occurred about 1899, the said Michael Mulcare and Tennessee Mulcare resided together as husband and wife and continuously lived in the Cherokee Nation; that after the death of said Tennessee Mulcare the said Michael Mulcare remained unmarried and continuously resided in the Cherokee Nation up to and including September 1, 1902. Said applicant is identified on the Cherokee authenticated tribal roll of 1880 and the Cherokee census roll of 1896 as an intermarried citizen of the Cherokee Nation.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Michael Mulcare, is entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Dated at Muskogee, Indian Territory

Commissioner.

this FEB 2[illegible]

Cherokee 3980.

Muskogee, Indian Territory, February 28, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Michal Mulcare as a citizen by intermarriage of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee 3930.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of Michal Mulcare as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

Encl. N-51
HLM

Cherokee 3980

Muskogee, Indian Territory, February 28, 1907.

Michal Mulcare,

Pensacola, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl. N-50
HLR

Cherokee
I. W. 257

Muskogee, Indian Territory, May 1, 1907

Mike Mulcare,

Pensacola, Indian Territory.

Dear Sir:

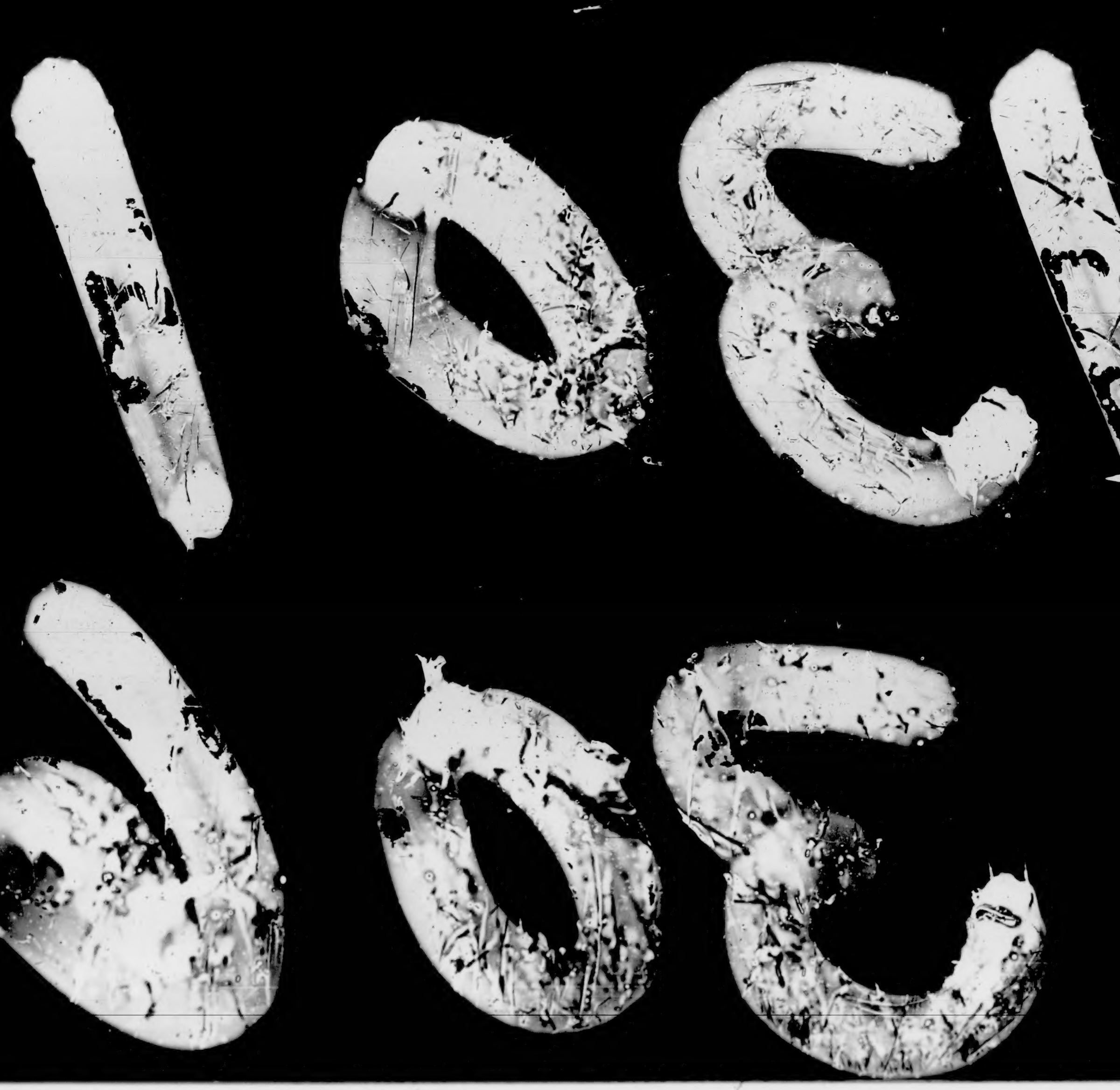
In reply to your letter of March 26, 1907, you are advised that your name now appears upon a roll of citizens by intermarriage of the Cherokee Nation approved by the Secretary of the Interior.

Respectfully,

L M B

Acting Commissioner

END
OF
ROLL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